S. Hrg. 99-939

COLUMBIA GORGE NATIONAL SCENIC AREA ACT

HEARING

BEFORE THE

SUBCOMMITTEE ON PUBLIC LANDS, RESERVED WATER AND RESOURCE CONSERVATION

OF THE

COMMITTEE ON ENERGY AND NATURAL RESOURCES UNITED STATES SENATE

NINETY-NINTH CONGRESS

SECOND SESSION

ON

S. 2055

A BILL TO ESTABLISH THE COLUMBIA GORGE NATIONAL SCENIC AREA, AND FOR OTHER PURPOSES

JUNE 17, 1986

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COLUMBIA GORGE NATIONAL SCENIC AREA ACT

TUESDAY, JUNE 17, 1986

U.S. SENATE, SUBCOMMITTEE ON PUBLIC LANDS, RESERVED WATER AND RESOURCE CONSERVATION, COMMITTEE ON ENERGY AND NATURAL RESOURCES,

Washington, DC.

The subcommittee met, pursuant to notice, at 9:31 a.m., in room SD-366, Dirksen Senate Office Building, Hon. Malcolm Wallop, presiding.

Present: Senators Wallop, Hatfield, Murkowski, Hecht, and Evans.

Also present: Tony Bevinetto, professional staff member; and Thomas B. Williams, professional staff member for the minority.

OPENING STATEMENT OF HON. MALCOLM WALLOP, A U.S. SENATOR FROM THE STATE OF WYOMING

Senator WALLOP. Good morning, ladies and gentlemen. This morning the Subcommittee on Public Lands, Reserved Water and Resource Conservation will hear testimony on S. 2055, to establish the Columbia Gorge National Scenic Area, and for other purposes. I am going to place a copy of this bill in the hearing record.

The hearing record will remain open for 2 weeks after today, during which time written testimony can be submitted to the subcommittee. If you would like a copy of the printed hearing record, please fill out one of the mailing labels, which are located on the table outside the hearing room. Please print your name and address carefully. Do this to ensure that the document will reach you. Printing and distribution of the record of a hearing is a large task, and thus it may be 3 or 4 months before the record can be mailed out.

In the interest of time, I am going to ask the witnesses to limit their oral statements to 3 minutes. I know that is a very short time, but keep in mind that there are people who have traveled here and there are 80-some witnesses. And those at the last of the day are entitled to as much attention as those at the first of the day. I want to make certain that everyone who has traveled here gets a chance to participate in today's hearing. Please keep an eye on the lights. You will be able to tell your timing from that. When you see the yellow light come on, you will know that you will have 1 minute remaining. Please begin to make your concluding remarks at that time. And when the red light comes on, finish your sentence, summarize your remaining testimony, and stop. Additional comments may be provided and your entire testimony, oral and written, will be included in the hearing record.

Now I understand the emotional nature of a hearing on an issue as large and as long and as complex as this one, but we cannot tolerate applause or outbursts of emotion during the hearing. If it should occur, we will simply ask the police to clear the room.

Now I have one last thing before I go to opening statements of members. That is that the administration for the second time in 1 week on matters of high interest has seen fit to deliver their testimony to the committee about 3 minutes before we start. I realize that is not Deputy Secretary Myers' fault. I do not care really whose fault it is, except it is an intolerable insult to the committee not to have the administration's position on matters such as this by the time the committee is ready to hear it.

This hearing is not a surprise; it has been announced for some time and it is just not fair to members of the committee who wish to know what the administration's position is. It is not fair to members of the affected States who wish to know what the administration's position is.

Now I reckon that it is probably down in OMB. I do not really care where it happens. I just say that the next time that happens in this committee, the administration's testimony will not be entertained and we will open the hearing at another time to hear their testimony. But it is just a bad way of proceeding, and it is an insult to the committee and it does not show very much in the way of a cohesive act on matters of such importance.

With that, let me turn to my friend Senator Hatfield.

[The text of S. 2055 follows:]

II

99TH CONGRESS
2D SESSION

S. 2055

To establish the Columbia Gorge National Scenic Area, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 6 (legislative day, JANUARY 27), 1986

Mr. EVANS (for himself, Mr. PACKWOOD, Mr. HATFIELD, and Mr. GORTON) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

---

A BILL

To establish the Columbia Gorge National Scenic Area, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

This Act may be referred to as the "Columbia Gorge National Scenic Area Act".

TABLE OF CONTENTS

Sec. 1. Short title and table of contents.
Sec. 2. Definitions.
Sec. 3. Findings and purposes.
Sec. 4. Establishment of the scenic area.
Sec. 5. The Columbia Gorge Commission.
Sec. 6. Adoption of the scenic area management plan.
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Sec. 8. Administration of the special management areas.
Sec. 9. Land acquisitions.
Sec. 10. Interim management.

Sec. 11. Columbia Gorge Development Corporation.
Sec. 12. Old Columbia River Highway.
Sec. 13. Tributary rivers and streams.
Sec. 14. Implementation measures.
Sec. 15. Enforcement.
Sec. 16. Authorization of appropriations.
Sec. 17. Savings provisions.
Sec. 18. Severability.

SEC. 2. DEFINITIONS.

As used in this Act, the term—

(a) "agricultural lands" means lands used for the production or processing of crops, fruits or other agricultural products or for sustenance of livestock.

(b) "Commission" means the Columbia Gorge Commission established pursuant to section 5 of this Act.

(c) "Counties" means Hood River, Multnomah, and Wasco Counties, Oregon; and Clark, Klickitat, and Skamania Counties, Washington.

(d) "Cultural and Historic Areas" means archaeological sites, Indian burial grounds and village sites, historic trails and roads, and other areas which are historically significant.

(e) "Development Corporation" means the Columbia Gorge Development Corporation established pursuant to State law and described in section 13 of this Act.

(f) "forest lands" means commercial and noncommercial forest lands and lands used for the production and processing of forest products.

(g) "implementation measures" means—

(1) zoning ordinances for the Scenic Area adopted pursuant to section 8 of this Act;

(2) land use regulations for the Special Management Areas adopted pursuant to section 10 of this Act; and

(3) interim guidelines developed by the Secretary and by the Commission pursuant to section 11 of this Act.

(h) "major development actions" means—

(1) subdivisions and short plat proposals; and

(2) permits for siting or construction outside Urban Areas of multifamily residential, commercial, or industrial facilities.

(i) "Management Plan" means the Scenic Area Management Plan adopted pursuant to section 6 of this Act.

(j) "Mineral Resources" means oil and gas, gravel, and other extractive resources.

(k) "Natural Areas" means areas which are in an undeveloped state.

(l) "new residential development" means the permitting for siting or construction of any residence or other related major structure on any parcel of unimproved land.

(m) "Open Spaces" means agricultural lands, forest lands, Natural Areas, and parks and other recreation areas.

(n) "Private Forest Land Owner" means any owner of forest lands who, within ninety days of adoption of this Act, informs the Secretary in writing of his or her intention to offer for exchange any parcel of unimproved forest land within a Special Management Area at least forty acres in size.

(o) "Scenic Area" means the Columbia Gorge National Scenic Area established pursuant to section 4 of this Act.

(p) "Secretary" means the Secretary of Agriculture.

(q) "Special Management Areas" means lands within the Scenic Area that are part of the National Forest System, established pursuant to section 4 of this Act.

(r) "States" means the States of Oregon and Washington.

(s) "unimproved forest lands" means lands on which no residence or other major structures exist.

(t) "Urban Areas" means those areas within the Scenic Area identified in section 4(d) of this Act.

SECTION 3. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) the Columbia Gorge, located in the States of Oregon and Washington, is a spectacular canyon of compelling and majestic beauty formed by the Columbia River;

(2) the Columbia Gorge, cut through the Cascade Mountain Range by the erosive force of the Columbia River, dramatically illustrates natural geologic forces;

(3) the Columbia Gorge is the historic gateway between the Pacific Ocean and the interior of the North American continent traveled by Native Americans, explorers, traders, and pioneers, and evidences human habitation for over eleven thousand years;

(4) the Columbia Gorge is an area of commercial and economic importance to the Pacific Northwest, particularly for navigation, transportation, energy production, timber production and processing, fishing, agriculture, and recreation;

(5) the Columbia River is a major navigable waterway of commercial and economic importance to the

Pacific Northwest and the Nation whose importance will increase as a result of the improvement of navigation facilities at Bonneville Dam;

(6) the Columbia Gorge contains magnificent scenic, natural, cultural and recreational values of national significance, including the cascading all-season waterfalls, and an extensive system of hiking trails;

(7) the remaining segments of the Old Columbia River Highway between Troutdale and The Dalles, Oregon are of national significance and should be preserved and restored;

(8) existing rural communities and land uses contribute significantly to the character of the Columbia Gorge landscape;

(9) the right of residents in cities, towns, and rural communities within the Columbia Gorge to continue enjoyment of their homes must be assured and their economic well-being encouraged;

(10) scenic viewpoints, parks, highways, and trails within the Columbia Gorge are important recreation amenities and are heavily used by residents of the Portland-Vancouver metropolitan area and by visitors from around the Pacific Northwest, the Nation, and the world;

(11) tributary streams of the Columbia River within the Columbia River Gorge contain important wildlife and anadromous fish resources which are of benefit to the Pacific Northwest and the Nation;

(12) the botanical diversity of the Columbia Gorge, ranging from the sagebrush and grasslands of the east to the lush rain forests of the west, including many threatened and endangered species, is unique, due in part to the diverse climate of the area;

(13) competing uses of the Columbia Gorge are intense, including development of Federal hydroelectric power facilities, highways, ports, navigation and industrial facilities, surface mining, residential and commercial development, farms, orchards, and forest production;

(14) the existing local, State, and Federal planning and regulatory authorities lack sufficient resources to provide for the multiple goals of growth management, development of public recreational facilities and protection of the unique scenic, cultural, recreation, and natural resources of the Columbia Gorge;

(15) the various affected jurisdictions in the Columbia Gorge differ in their approach to protection and enhancement of the existing character of the Columbia Gorge;

(16) differences in approach of the various affected jurisdictions has led to disjointed management and potentially threatens the scenic and other natural resources of the Columbia Gorge;

(17) in order to protect the scenic and other values of the Columbia Gorge, the Federal Government must form a partnership with State and local governments in the Columbia Gorge; and

(18) such a partnership would coordinate land use, resource management and economic development planning, thereby protecting the Gorge's nationally significant scenic, cultural, recreation, and natural resources.

(b) PURPOSES.—The purposes of this Act are—

(1) to protect and enhance the scenic, cultural, recreation, and natural resource values of existing Federal property located in the Columbia Gorge, including lands administered by the United States Forest Service, the Army Corps of Engineers, and other Federal agencies;

(2) to protect and enhance scenic, cultural, recreation, and natural resources of the Columbia Gorge, including sensitive habitats for wildlife, anadromous fish and threatened and endangered species, while providing public use and enjoyment consistent with protecting and preserving these resources;

(3) to protect and preserve the historical and archaeological resources of the Columbia Gorge and, where appropriate, to make these resources more accessible to the public for educational and scientific purposes;

(4) to preserve and restore the remaining segments of the Old Columbia River Highway between Troutdale and The Dalles, Oregon;

(5) to protect the economy of the Columbia Gorge and to encourage future economic development consistent with the existing scenic and natural character of the Scenic Area;

(6) to protect and enhance the character of human habitation in the Columbia Gorge, in harmony with the existing scenic and natural character of the Scenic Area;

(7) to promote public awareness of the scenic, cultural, recreation and natural resources of the Scenic Area;

(8) to support and enhance the economic livelihood of residents of the Columbia Gorge by encouraging growth to occur in the existing Urban Areas and by recognizing compatible historic economic pursuits, such as farming, grazing, forestry, and orcharding as appropriate to preserve the existing character of the

Gorge, and by enhancing the potential of the Gorge for increased tourism;

(9) to provide for and manage public use and enjoyment of the Columbia Gorge in a manner consistent with natural resource protection and maintenance of the existing rural landscape, including the establishment, acquisition, maintenance, and operation of public recreation and natural areas and facilities to meet the needs of a growing regional population;

(10) to promote and enhance the use of the Columbia River as a vital scenic, commercial and recreation resource;

(11) to utilize the land use planning and other powers of local and State governments and existing Federal agencies to further the purposes of this Act and provide Federal assistance to coordinate land use, resource management, and economic development planning for the Columbia Gorge;

(12) to facilitate and effect a partnership among the Federal Government, the State of Oregon, the State of Washington, and local government entities located within the Columbia Gorge; and

(13) to develop and enforce coordinated land use, resource management, and economic development planning for the area which will supplement local and

State plans and which will protect and enhance the existing character of the Columbia Gorge while protecting scenic, cultural, recreation and natural resources and allowing development when consistent with preservation of those resources.

SEC. 4. ESTABLISHMENT OF THE SCENIC AREA.

(a) NATIONAL SCENIC AREA.—(1) There is hereby established the Columbia Gorge National Scenic Area.

(2) The Scenic Area shall consist of the area within the boundaries generally depicted on the map entitled "Boundary Map, Columbia Gorge National Scenic Area", which shall be on file and available for public inspection in the offices of the Commission and of the Secretary.

(b) SPECIAL MANAGEMENT AREAS.—(1) The following areas are hereby designated "Special Management Areas" and are established as a unit of the National Forest System: Gates of the Columbia Gorge; Three Mountains; Catherine Creek; and Klickitat Canyon.

(2) The boundaries of the Special Management Areas designated in this section shall be depicted on the map entitled "Special Management Areas, Columbia Gorge National Scenic Area", which shall be on file and available for public inspection in the offices of the Commission and of the Secretary.

(c) Urban Areas.—(1) The following cities and towns are hereby designated as "Urban Areas": Cascade locks, Hood River, Mosier, and The Dalles, Oregon; and Bingen, Carson, Dallesport, Lyle, North Bonneville, Stevenson, White Salmon, and Wishram, Washington.

(2) The boundaries of Urban Areas shall be depicted on the map entitled, "Urban Areas, Columbia Gorge National Scenic Area", which shall be on file and available for public inspection in the offices of the Commission and of the Secretary. The boundaries of Urban Areas designated in this subsection may be revised pursuant to the provisions of this section.

(d) Revision of Urban Area Boundaries.—(1) Upon application of a county, the Commission may revise the boundaries of any Urban Area identified in section 4(c) of this Act. The Commission shall approve the revision of Urban Area boundaries by a majority vote of the members appointed from each State.

(2) The Commission may revise the boundaries of an Urban Area only if it finds that—

(A) a demonstrable need exists to accommodate long-range urban population growth requirements or economic needs consistent with the management plan;

(B) revision of Urban Area boundaries would be consistent with the standards established in section 6 and the purposes of this Act;

(C) revision of Urban Area boundaries would result in maximum efficiency of land uses within and on the fringe of existing Urban Areas; and

(D) revision of Urban Area boundaries would not result in the significant reduction of agricultural lands, forest lands, or Natural Areas.

SEC. 5. THE COLUMBIA GORGE COMMISSION.

(a) ESTABLISHMENT AND MEMBERSHIP OF THE COMMISSION.—(1) To achieve the purposes of this Act and to facilitate cooperation among the States of Oregon and Washington, and with the United States Forest Service, the consent of Congress is given for an agreement described in this section pursuant to which—

(A) there shall be established a regional agency known as the Columbia Gorge Commission. The Commission shall carry out its functions and responsibilities in accordance with the provisions of this Act, and, except as otherwise provided in this Act, shall not be considered an agency or instrumentality of the United States for the purpose of any Federal law;

(B) the States of Oregon and Washington provide to the Commission and the counties under State law the authority to carry out their respective functions and responsibilities in accordance with the provisions of this Act; and

(C) members of the Commission are appointed, subject to applicable State law, within one hundred and eighty days of the enactment of this Act: *Provided*, That upon request of the Governors of both States, the Secretary shall extend the time for appointment of Commission members ninety days to provide more time for the States and counties to make such appointments. Membership of the Commission shall be as follows:

(i) Six members, comprised of one resident from each of the following counties: Hood River, Multnomah, and Wasco Counties, Oregon, and Clark, Klickitat, and Skamania Counties, Washington, to be appointed by the governing body of each of the respective counties: *Provided*, That in the event the governing body of a county fails to appoint a member who resides in such county the Governor of the State in which the county is located shall appoint such member;

(ii) Three members who reside in the State of Oregon, to be appointed by the Governor of Oregon;

(iii) Three members who reside in the State of Washington, to be appointed by the Governor of Washington; and

(iv) One ex officio, nonvoting member who shall be an employee of the United States Forest Service, to be appointed by the Secretary.

(2) The appointment of four initial members from each State, subject to applicable State law, shall constitute an agreement by the States establishing the Commission. Such agreement is hereby consented to by the Congress.

(3) Either State or any county may fill any vacancy occurring prior to the expiration of the term of any member originally appointed by that State or county. Each member appointed to the Commission shall serve a term of four years, except that, with respect to members initially appointed pursuant to subsection (a)(2) of this section, each Governor shall designate one member to serve a term of two years, one member to serve a term of three years, and one member to serve a term of four years. Neither the Governors nor the governing bodies of any of the counties may appoint Federal, State, or local elected or appointed officials to the Commission.

(4) A majority of the members of the Commission shall constitute a quorum. The members of the Commission shall select from among themselves a Chairman by majority vote.

(5) The members and officers and employees of the Commission shall not be deemed to be officers or employees of the United States for any purpose. The Commission shall appoint, fix compensation for, and assign and delegate duties to such officers and employees as the Commission deems necessary to fulfill its functions under this Act. The compensation of Commission members shall be fixed by State law.

(b) APPLICABLE LAW.—For the purposes of providing a uniform system of laws, which, in addition to this Act, are applicable to the Commission, Federal laws relating to administrative procedure, the making of contracts, conflicts-of-interest, financial disclosure, open meetings of the Commission, advisory committees, disclosure of information, judicial review of Commission functions and actions under this Act, and related matters shall apply to the Commission to the extent appropriate. Federal laws applicable to financial disclosure under this subsection shall be applied to members of the Commission without regard to the duration of their service on the Commission or the amount of compensation received for such service. No contract, obligation, or other action of the Commission shall be construed as an obligation of the United States or an obligation secured by the full faith and credit of the United States.

(c)(1) ESTABLISHMENT BY THE SECRETARY.—The Secretary shall establish the Commission as a Federal agency if—

(A) the States of Oregon and Washington fail to provide to the Commission and the counties under State law the authority to carry out their respective functions and responsibilities in accordance with the provisions of this Act;

(B) the Commission is not established and its members are not timely appointed in accordance with subsection (a) of this section; or

(C) at any time any provision of this Act relating to the establishment of the Commission or to any substantial function or responsibility of the Commission is held to be unconstitutional by a final determination of any Federal court.

The Secretary shall promptly publish a notice of intent to establish the Commission as a Federal agency in the Federal Register and notify the Governor of each State and the governing body of each county.

(2) Not more than thirty days after the publication of the notice referred to in paragraph (1) of this subsection, and

thereafter within forty-five days after a vacancy occurs, the Governors of Oregon and Washington may each provide to the Secretary a list of nominations from such State for each State and county position to be selected for such Commission. The list shall include at least two nominees for each position and such information about the nominees as the Secretary may request. The Secretary shall appoint the Commission members from each Governor's list of nominations for each State and county position, except that the Secretary may decline to appoint for any reason any of a Governor's nominees for a position and shall so notify the Governor. The Governor may thereafter make successive nominations within forty-five days of receipt of such notice until nominees acceptable to the Secretary are appointed for each position. In the event the Governor of either State fails to make the required nominations for any State or county position on the Commission within the time specified for such nominations, the Secretary shall select from such State and appoint to the Commission a member or members for such position. The members of the Commission shall select from among themselves a Chairman by majority vote.

(d)(1) FINANCIAL AND TECHNICAL ASSISTANCE.—The Secretary shall provide financial and technical assistance to the Commission to fulfill its functions and responsibilities pursuant to this Act.

(2) Upon the request of the Commission, other Federal agencies shall provide information, personnel, property, and services on a reimbursable basis to the Commission to assist it in carrying out its functions and responsibilities pursuant to this Act.

(e) Advisory Committees.—The Commission shall establish voluntary technical and citizen advisory committees to assist the Commission in carrying out its functions and responsibilities pursuant to this Act.

SEC. 6. ADOPTION OF THE SCENIC AREA MANAGEMENT PLAN.

(a) Elements of the Management Plan.—Within two years of the date of enactment of this Act, the Commission shall prepare a management plan for the Scenic Area in order to accomplish the purposes of this Act. The Commission shall adopt the management plan by a majority vote of the members appointed from each State. The management plan shall include the following elements:

(1) Resource inventory.—Within one year of the date of enactment of this Act, the Secretary and the Commission shall cooperatively develop a standardized resource inventory for inclusion in the management plan. The inventory shall document all existing land uses, natural features and limitations, scenic, natural, cultural, and recreation resources and economic activities.

(2) LAND USE DESIGNATIONS.—Based on the results of the resource inventory developed pursuant to subsection (a)(1) of this section, and consistent with the standards established in subsection (b) of this section, the Commission shall develop land use designations for the Scenic Area. The land use designations shall—

(A) incorporate without change the land use designations developed by the Secretary pursuant to section 10(a) of this Act for the Special Management Areas; and

(B) incorporate without change the designation of Urban Areas established in section 4(c) of this Act.

(3) GUIDELINES FOR THE ADOPTION OF ZONING ORDINANCES.—The Commission shall develop Guidelines for the adoption of zoning ordinances for non-Federal lands within the Scenic Area. The guidelines—

(A) shall incorporate without change the guidelines for the development of Special Management Area land use regulations approved by the Secretary pursuant to section 9(e) of this Act; and

(B) shall not apply to Urban Areas designated in section 4(c) of this Act.

(4) COOPERATIVE RECREATION PLAN.—The Secretary and the Commission shall agree on a cooper-

ative recreation plan for the National Scenic Area and the Special Management Areas. The cooperative recreation plan shall include the designation of areas within the Special Management Areas and the National Scenic Area as a whole needed for public use facilities. The areas so designated shall be administered in a manner that is mutually agreeable to the Secretary and the Commission. Public use facilities, including but not limited to educational and interpretive centers, campsites, picnic areas, boat launch facilities, and river access areas shall be constructed according to the cooperative recreation plan.

(b) CONTENT OF THE MANAGEMENT PLAN.—The management plan shall include provisions which are consistent with the purposes of this Act and the following standards:

(1) AGRICULTURAL LANDS.—The management plan shall designate lands suitable for agricultural uses as agricultural lands. The management plan shall provide for preservation and enhancement of agricultural lands for agricultural uses. The management plan may allow, but not require, conversion of agricultural lands to open space, recreation development, or forest lands.

(2) FOREST LANDS.—The management plan shall designate lands suitable for forest uses as forest lands. The management plan shall provide for the preserva-

tion and enhancement of forest lands for forest uses. The management plan may allow, but not require, conversion of forest lands to agricultural lands, recreation development, or open spaces while encouraging for the area an adequate, efficient and reliable wood fiber supply.

(3) OPEN SPACES, SCENIC AND HISTORIC AREAS AND NATURAL RESOURCES.—The management plan shall designate lands suitable for conservation of open spaces, scenic, cultural, and historic areas and natural resources, including: (i) fish and wildlife habitat; (ii) ecologically and scientifically significant natural areas; (iii) outstanding scenic views and sites; (iv) water areas and wetlands; (v) cultural and historic areas, sites, structures, and objects; (vi) potential and existing recreation resources; and (vii) approved Federal wild and scenic waterways and state scenic waterways.

(4) RECREATION NEEDS.—The management plan shall provide for the protection and enhancement of public and private recreation resources and educational and interpretive facilities and opportunities, in accordance with the cooperative recreation plan adopted pursuant to this section.

(5) COMMERCIAL DEVELOPMENT.—The management plan shall designate areas for commercial devel-

opment. The management plan shall encourage, but not require, commercial development to take place in Urban Areas. Designation of areas for commercial development shall take into account the physical characteristics of the areas in question and their geographic proximity to transportation, commercial, and industrial facilities and other amenities. Standards for commercial development outside Urban Areas shall minimize impacts of development on scenic, cultural, recreation, and natural resources of the Scenic Area.

(6) INDUSTRIAL DEVELOPMENT.—The management plan shall require industrial development to take place in Urban Areas.

(7) RESIDENTIAL DEVELOPMENT.—The management plan shall designate areas for residential development. Designation of areas for residential development shall take into account the physical characteristics of areas in question and their geographic proximity to transportation and commercial facilities and other amenities. Standards for residential development outside Urban Areas shall minimize impacts of development on scenic, cultural, recreation, and natural resources of the Scenic Area.

(8) EXTRACTIVE RESOURCES.—The management plan shall include standards for the extraction of miner-

al resources and for the reclamation of lands following extraction of mineral resources, consistent with the purposes of this Act. The management plan shall encourage, but not require, that surface mining take place outside Special Management Areas. The standards shall allow surface mining operations only in those locations where they may be conducted without substantially impairing or detracting from the scenic, cultural, recreation, and natural resources of the Scenic Area. Standards for the extraction of mineral resources shall minimize impacts on scenic, cultural, recreation, and natural resources of the Scenic Area.

(9) MAJOR DEVELOPMENT ACTIONS AND NEW RESIDENTIAL DEVELOPMENT.—

(A) In Special Management Areas, the management plan shall allow new residential development outside areas designated for such actions or development only if the Secretary determines such actions or development would not substantially impair or detract from the scenic, cultural, recreation, and natural resources of the Scenic Area. The management plan shall prohibit major development actions in Special Management Areas.

(B) In the Scenic Area outside Special Management Areas and Urban Areas, the management plan shall allow major development actions only if the Commission determines such actions would not substantially impair or detract from the scenic, cultural, recreation and natural resources of the Scenic Area.

(c) AGENCY CONSULTATION AND PUBLIC INVOLVEMENT.—The Secretary and the Commission shall consult with Federal, State, and local governmental entities having jurisdiction within the Scenic Area or expertise pertaining to its administration. The Secretary and the Commission shall conduct public hearings and solicit public comment prior to final adoption of the management plan.

(d) REVIEW BY THE SECRETARY.—(1) Upon adoption of the management plan, the Commission shall promptly submit the plan to the Secretary for review. The Secretary shall, within ninety days after receipt of the management plan, approve the plan unless a specific finding is made that the plan is inconsistent with the standards established in this section or the purposes of this Act. Should the Secretary fail to act on the proposed plan within ninety days, the management plan shall be deemed approved.

(2) If approval is denied, the Secretary shall state the reasons for finding the plan is inconsistent with the standards established in this section or the purposes of this Act, and shall submit to the Commission suggested modifications to

the management plan to make it consistent with such standards and the purposes of this Act.

(3) Within one hundred and twenty days after receipt of notification of such disapproval, the Commission shall—

(A) revise and resubmit the plan to the Secretary; or

(B) by a vote of two-thirds of its membership, reject the suggested modifications of the Secretary and adopt a management plan in accordance with the provisions of this section.

(e) REVISION OF THE PLAN.—No sooner than five years after adoption of the management plan, but at least every ten years, the Commission shall revise the management plan. The Commission shall submit the revised management plan to the Secretary for review, in accordance with the provision of this section for adoption of the management plan.

(f) AMENDMENT OF THE PLAN.—If the Commission determines at any time that conditions have significantly changed, it may amend the management plan. The Commission shall submit amendments to the management plan to the Secretary for review, in accordance with the provisions of this section for adoption of the management plan.

SEC. 7. ADOPTION OF SCENIC AREA ZONING ORDINANCES.

(a) Within sixty days of receipt of final guidelines for the development of zoning ordinances, each county shall submit to the Commission a letter stating that it proposes to complete zoning ordinances consistent with the guidelines. If any county fails to submit such letter or fails to adopt a zoning ordinance as provided in subsection (b) of this section, the Commission shall carry out the requirements of subsection (c) of this section.

(b)(1) Within one year of receipt of zoning ordinance guidelines from the Commission, each county shall develop a zoning ordinance consistent with the guidelines.

(2) Each county upon approval of a zoning ordinance and any revisions or variances shall promptly submit the ordinance to the Commission.

(3) The Commission shall, within ninety days after receipt of a zoning ordinance or revision or any variance therefrom, approve the ordinance, revision, or variance unless it determines the ordinance, revision or variance is inconsistent with the management plan.

(4) If approval is denied, the Commission shall state the reasons for finding the zoning ordinance, revision, or variance is inconsistent with the management plan, and shall submit to the county suggested modifications to the zoning ordinance, revision, or variance to make it consistent with the management plan.

(5) Each county shall have ninety days after it receives recommendations from the Commission to make modifications

designed to eliminate the inconsistencies and to resubmit the ordinance, revision, or variance to the Commission for approval. Any resubmitted ordinance, revision, or variance shall become effective upon approval by the Commission.

(6) In the event a county has not complied with the requirements of this section, it may thereafter upon written notice to the Commission elect to adopt a zoning ordinance, in which event it shall comply with the provisions of this section for adoption of a zoning ordinance. Upon approval of such zoning ordinance by the Commission it shall supercede any zoning ordinance for the county developed by the Commission, subject to valid existing rights.

(c) In the event a county fails to comply with the provisions of this section, the Commission shall make and publish regulations setting standards for the use of non-Federal lands within the boundaries of the National Scenic Area, excluding Urban Areas identified in section 4(c) of this Act. The regulations shall have the object of assuring that the use of such non-Federal lands is consistent with the management plan. The regulations may differ amongst the several parcels of land within the boundaries of the Scenic Area. The regulations may from time to time be amended by the Commission.

SEC. 8. ADMINISTRATION OF THE SPECIAL MANAGEMENT AREAS.

(a) REGULATIONS FOR THE USE OF FEDERAL LANDS.—The Secretary shall administer Federal lands within the Special Management Areas in accordance with the laws, rules and regulations for forest and multiple-use management applicable to the national forests so that management, utilization, and disposal of timber and mineral resources will not substantially impair or detract from the scenic, cultural, recreation, and natural resources of the Scenic Area.

(b) LAND USE DESIGNATION.—Within two years of the date of enactment of this Act, the Secretary shall develop land use designations for the Special Management Areas. The land use designations shall be—

(1) based on the resource inventory prepared by the Secretary and the Commission pursuant to section 6(a) of this Act; and

(2) consistent with the standards established in section 6 of this Act.

(c) GUIDELINES FOR LAND USE REGULATIONS.—(1) Within two years of the date of enactment of this Act, the Secretary shall adopt guidelines for the development of regulations for the use of non-Federal lands within the Special Management Areas. Upon approval, the Secretary shall promptly transmit the guidelines to the counties. The guidelines shall require that management, utilization, and disposal of timber and mineral resources be done in a manner that will not substantially impair the scenic, cultural, recreation, and natural resources of the Scenic Area.

(2) The Secretary shall consult with the Commission when developing regulations for the use of Federal lands, land use designations, and guidelines for land use regulations for the Special Management Areas.

(d)(1) Within sixty days of receipt of final guidelines for the developmnent of land use regulations, each county shall submit to the Secretary a letter stating that it proposes to complete land use regulations consistent with the guidelines. If any county fails to submit a letter as provided in this subsection, or fails to adopt land use regulations in accordance with this section, the Commission shall carry out the requirements of subsection (e) of this section.

(2) Within one year of receipt of guidelines for land use regulations, each county shall develop Special Management Area land use regulations consistent with the guidelines adopted.

(3) Each county upon approval of Special Management Area land use regulations shall promptly submit the regulations to the Secretary. The Secretary shall, within ninety days after receipt of Special Management Area land use regulations from each county, approve the regulations unless a

determination is made the regulations are inconsistent with the management plan.

(4) If approval is denied, the Secretary shall state the reasons for finding the regulations are inconsistent with the management plan, and shall submit to the county suggested modifications to the regulations to make them consistent with the management plan.

(5) Each county shall have ninety days after it receives recommendations from the Secretary to make modifications designed to eliminate the inconsistencies and to resubmit the regulations to the Secretary for approval. Any resubmitted regulations shall become effective upon approval by the Secretary.

(6) In the event a county has not complied with the requirements of this section, it may thereafter, upon written notice to the Secretary, elect to adopt Special Management Area land use regulations, in which event it shall comply with the provisions of this section for adoption of Special Management Area land use regulations. Upon approval of such land use regulations by the Secretary they shall supercede any Special Management Area land use regulations for the county developed by the Commission, subject to valid existing rights.

(e) In the event a county fails to comply with the provisions of subsection (d) of this section, the Commission shall make and publish regulations setting standards for the use of non-Federal lands within the boundaries of the Special Management Areas. The regulations shall have the object of assuring that the use of such non-Federal land is consistent with the management plan. The regulations may differ amongst the several parcels of land within the boundaries of the Special Management Areas. The regulations may from time to time be amended by the Commission.

(f)(1) Upon approval of Special Management Area land use regulations the Commission shall promptly submit the regulations to the Secretary. The Secretary shall, within ninety days after receipt of Special Management Area regulations from the Commission, approve the regulations unless a determination is made the regulations are inconsistent with the management plan.

(2) If approval is denied, the Secretary shall state the reasons for finding the regulations are inconsistent with the management plan, and shall submit to the Commission suggested modifications to the regulations to make them consistent with the plan.

(3) The Commission shall have ninety days after it receives recommendations from the Secretary to make modifications designed to eliminate the inconsistencies and to resubmit the regulations to the Secretary for approval. Any

resubmitted regulations shall become effective upon approval by the Secretary.

(g) Regulations adopted pursuant to this section shall not apply to any parcel or parcels of land at the expiration of three years after the date—

(1) a landowner makes a bona fide offer to sell at fair market value or otherwise convey such parcel or parcels to the Secretary, unless the affected landowner agrees to an extension of the regulations; or

(2) the Secretary disapproves a proposal for new residential development upon such parcel or parcels pursuant to section 6(b)(8) of this Act.

Lands for which regulatory authority is suspended pursuant to this subsection shall be subject to Scenic Area zoning ordinances adopted pursuant to section 8 of this Act.

SEC. 9. LAND ACQUISITION.

(a) LAND ACQUISITION PLAN.—The Secretary shall, in consultation with the Commission, develop a plan for the acquisition of non-Federal lands and interests in lands within the Special Management Areas.

(b) ACQUISITION AUTHORIZED.—The Secretary is authorized to acquire by donation, purchase with donated or appropriated funds, exchange, bequest, or otherwise any lands within the Special Management Areas, or lesser interests therein, including scenic and conservation easements and development rights, which the Secretary determines are needed to achieve the purposes of this Act. Lands within the State of Oregon acquired by the Secretary pursuant to this section shall become part of the Mount Hood National Forest, and the Secretary shall publish a notice of such classification in the Federal Register. Lands within the State of Washington acquired by the Secretary pursuant to this section shall become part of the Gifford Pinchot National Forest, and the Secretary shall publish a notice of such classification in the Federal Register. Upon adoption of the acquisition plan described in subsection (a) of this section, any further acquisitions by the Secretary shall be consistent with such plan.

(c) LAND EXCHANGES.—(1) If the State of Washington or any private forest land owner offers to the United States any lands or interests therein within the boundaries of the Special Management Areas, the Secretary is authorized and directed to acquire such lands in conformance with the provisions of this subsection.

(2) In exercising this authority to acquire lands or interests therein pursuant to this subsection, the Secretary may accept title to such lands or interests therein and convey to the owner of such property appropriate national forest lands within the States of Oregon and Washington. Lands exchanged pursuant to this subsection shall be of approximately

equal value: *Provided,* That the Secretary may accept cash from or pay cash to the grantor in such an exchange in order to equalize minor differences in the values of the properties exchanged.

(3) It is the intention of Congress that land exchanges pursuant to this subsection shall be completed no later than three years after the date of enactment of this Act. No later than sixty days after the enactment of this Act, and every ninety days thereafter, the Secretary shall report in writing to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Interior and Insular Affairs of the United States House of Representives, on the status of negotiations with owners of non-Federal lands to affect the exchanges authorized by this subsection.

(d) ACQUISITION BY CONDEMNATION.—The Secretary may not acquire without the consent of the owner lands which, on the date of enactment of this Act, were used primarily for educational, religious, or charitable purposes, single-family residential purposes, farming, or grazing so long as the existing character of that use is not substantially changed or permitted for change.

(e) LIMITATIONS ON EMINENT DOMAIN.—Where authorized in subsection (e) of this section to acquire land without the consent of the owner, the Secretary shall—

(1) acquire full fee title and shall not acquire less than a full fee interest;

(2) do so only in cases where all reasonable efforts to acquire with the consent of the owner such lands, or interests therein, have failed; and

(3) acquire only such land as is reasonably necessary to accomplish the purposes of this Act.

(f) In exercising authority to acquire lands pursuant to this section the Secretary shall give prompt and careful consideration to any offer made by any person or entity owning any land, or interest in land, within the boundaries of a Special Management Area. In considering such offer, the Secretary shall take into consideration any hardship to the owner which might result from any undue delay in acquiring the property.

(g) DISPOSITION OF ACQUIRED LANDS.—Any lands or interests therein acquired pursuant to this section shall, in the discretion of the Secretary, be—

(1) transferred to the administrative jurisdiction of the National Forest Service for inclusion in the National Forest System and administration in accordance with this Act; or

(2) sold for fair market value subject to such reservations, terms and conditions as will assure the use of such property consistent with the management plan.

SEC. 10. INTERIM MANAGEMENT.

(a) Special Management Areas.—(1) Not later than one hundred and eighty days after the date of enactment of this Act, the Secretary shall adopt and publish interim guidelines governing all land use activities within the Special Management Areas to prevent land uses inconsistent with the purposes of this Act.

(2)(A) Prior to adoption of a management plan by the Commission and the approval by the Secretary of land use regulations under section 8 of this Act, the Secretary shall review all proposals for new residential development within the Special Management Areas. The Secretary shall approve the recommendations of the governing body of a county regarding such proposals unless the Secretary determines they would result in land uses inconsistent with the purposes of this Act, the standards in section 6 of this Act, interim guidelines adopted by the Secretary pursuant to this section or which would substantially impair or detract from the scenic, cultural, recreation or natural resources of the Scenic Area.

(B) If approval is denied, the Secretary shall state the reasons for disapproving the proposal and shall submit to the county suggested modifications to the proposal which would result in its approval.

(b) National Scenic Area.—(1) Not later than one year after the date of enactment of this Act, the Commission shall prepare interim guidelines for the governance of all land use activities within the National Scenic Area, except for the Special Management Areas and Urban Areas identified in section 4(c) of this Act. The Commission shall promptly transmit these interim guidelines to each county.

(2)(A) Prior to the adoption of a management plan by the Commission and the approval by the Commission of zoning ordinances for each county, the Commission shall review all major development actions, except for those within the Special Management Areas and Urban Areas identified in section 4(c) of this Act. The Commission shall approve the recommendations of the governing body of each county regarding major development actions unless the Commission determines they would result in land uses inconsistent with the purposes of this Act, the standards in section 6 of this Act, interim guidelines adopted by the Commission pursuant to this section or which would substantially impair or detract from the scenic, cultural, recreation, or natural resources of the Scenic Area.

(B) If approval is denied, the Commission shall state the reasons for disapproving the proposal and shall submit to the county suggested modifications to the proposal which would result in its approval.

SEC. 11. COLUMBIA GORGE DEVELOPMENT CORPORATION.

(a) Loans Authorized.—The Secretary may make loans to the Columbia Gorge Development Corporation (established pursuant to State law) to enable it to provide low interest loans in order to further the purposes of this Act: *Provided*, That the Development Corporation shall provide low interest loans only for use in counties which have adopted implementation measures pursuant to this Act: *Provided further*, That the Development Corporation shall not commit more than 55 per centum of the amount received from the Secretary pursuant to this subsection in one State.

(b) The Secretary may make any such loan to the Development Corporation only after entering into a loan agreement with the Development Corporation which includes the following terms:

(1) The loan to the Development Corporation shall have a maturity of thirty-five years. At the end of such period, the Development Corporation shall repay to the Secretary of the Treasury (in a lump sum) for deposit in the general fund of the Treasury the full amount of the loan and any additional amounts accruing to the Development Corporation pursuant to this subsection, except those amounts expended by the Development Corporation for reasonable administrative expenses.

(2) The money received from the Secretary, and any interest earned on such money, may be obligated by the Development Corporation only for low interest

loans made under subsections (b) (6) and (7) of this section, except that the Development Corporation may use such money to the extent the Secretary considers reasonable to satisfy the costs of the Development Corporation in administering loans or procuring loan guarantees or insurance.

(3) Within five years after receiving a loan from the Secretary, the Development Corporation shall make loans under subsections (b) (6) and (7) of this section which, in the aggregate, obligate the full amount of the money received from the Secretary (minus any amount required to satisfy the costs described in subsections (b) (1) and (2) of this section).

(4) As loans made under subsections (b) (6) and (7) of this section are repaid, the Development Corporation shall make additional loans under such subsections with the money made available for obligation by such repayments.

(5) The Development Corporation shall make available to the Secretary and to the Commission, upon request, all accounts, financial records, and other information related to loans made under subsections (b) (6) and (7) of this section.

(6) Before the Development Corporation approves any application for a low interest loan for which money

has been made available to the Development Corporation by the Secretary, the Development Corporation shall require the prospective borrower to furnish the Development Corporation with a statement from the Commission stating that the Commission has reviewed the application and has determined that any loan received by the prospective borrower will be spent in a manner consistent with—

(A) the standards established in section 6 and the purposes of this Act;

(B) the management plan developed pursuant to section 6 of this Act; and

(C) a zoning ordinance developed pursuant to section 7 of this Act or a land use regulation for a special management area developed pursuant to section 8 of this Act.

(7) The Development Corporation may approve any application for a low interest loan which meets the terms and conditions prescribed by the Development Corporation and for which money has been made available to the Development Corporation by the Secretary if—

(A) the prospective borrower furnishes the Development Corporation with the statement described in subsection (b)(6) of this section;

(B) the Development Corporation determines that such borrower has sufficient financial resources to repay the loan; and

(C) such borrower satisfies any other applicable credit criteria established by the Development Corporation.

(c) In order to determine whether the Development Corporation has complied with this section, the Secretary, or such other appropriate person or entity as the Secretary may designate, shall conduct an audit at least once every two years of all accounts, financial records, and other information related to loans made under subsections (b) (6) and (7) of this section. If the Secretary determines, after conducting a hearing on the record, that the Development Corporation has substantially failed to comply with this section, the outstanding balance of any loan made to the Development Corporation under this section shall become payable in full upon demand by the Secretary.

SEC. 12. OLD COLUMBIA RIVER HIGHWAY.

(a) The Secretary shall, in consultation with the Commission, the State of Oregon, and the counties and cities in which the Old Columbia River Highway is located, prepare a program to preserve and restore the continuity and historic integrity of the remaining segments of the Old Columbia River Highway for public use as a National Historic Road, including recreation trails to connect intact and usable segments.

(b) The Secretary is authorized to acquire by donation, purchase with donated or appropriated funds, exchange, bequest, or otherwise any lands along the Old Columbia River Highway, or lesser interests therein, including scenic and conservation easements and development rights, between Hood River and Mosier, Oregon, notwithstanding the proximity of such lands to lands then owned or controlled by the Secretary.

SEC. 13. TRIBUTARY RIVERS AND STREAMS.

(a) HYDROELECTRIC DEVELOPMENT.—

(1) SPECIAL MANAGEMENT AREAS.—Within the boundaries of the Special Management Areas, the Federal Energy Regulatory Commission shall not license the construction of any dam, water conduit, reservoir, powerhouse, transmission line, or any other project works under the Federal Power Act, as amended, 41 Stat. 1063 (16 U.S.C. 791a et seq.), on or directly affecting any river unless the Secretary determines such project will not substantially impair or detract from the scenic, cultural, recreation, or natural resources of the Scenic Area.

(2) SCENIC AREA.—Within the boundaries of the Scenic Area, the Federal Energy Regulatory Commis-

sion shall not license the construction of any dam, water conduit, reservoir, powerhouse, transmission line, or any other project works under the Federal Power Act, as amended, 41 Stat. 1063 (16 U.S.C. 791a et seq.), on or directly affecting any river unless the Commission determines such project will not substantially impair or detract from the scenic, cultural, recreation or natural resources of the Scenic Area.

(b) WHITE SALMON RIVER WILD AND SCENIC RIVER STUDY.—Section 5(a) of the Wild and Scenic Rivers Act (Public Law 90–542, Act of October 2, 1968, 82 Stat. 910, as amended) is further amended by adding the following new subsection:

"(89) White Salmon, Washington: The segment from its confluence with Gilmer Creek, Washington, near the town of B Z Corner, Washington, to its confluence with Buck Creek, Washington.".

SEC. 14. IMPLEMENTATION MEASURES.

(a) ASSISTANCE TO COUNTIES.—The Secretary shall provide technical assistance and grants to counties for the development of implementation measures and revisions thereof: *Provided,* That such grants shall not exceed 75 per centum of the cost of developing or revising the implementation measures and shall be made only upon application of the Commission, on behalf of the county: *Provided further,* That in the event a county fails to obtain approval of implementation measures or revisions thereof within three years after the date funds are first provided under this subsection for the development or revision of implementation measures, the Secretary shall terminate all Federal assistance for any participation in the development or revision of such implementation measure, and may obtain reimbursement or offset from the county of all Federal funds previously granted under this subsection.

(b) PAYMENTS TO COUNTIES.—(1) Notwithstanding the provisions of the Act of May 23, 1908 (c. 192, 35 Stat. 251, as amended; 16 U.S.C. 500), and of section 13 of the Act of March 1, 1911 (c. 186, 36 Stat. 961, as amended; 16 U.S.C. 500), the amount which is paid under such provisions to the State of Oregon with respect to the Gates of the Columbia Gorge Special Management Area, Mount Hood National Forest, and to the State of Washington with respect to the Special Management Areas within the Gifford Pinchot National Forest, shall be expended for the benefit of any public purposes of any county which has adopted implementation measures pursuant to this Act.

(2) Subsection (b)(1) of this section shall not apply—

(A) to any amount paid by the Secretary of the Treasury under the provisions of law referred to in subsection (b)(1) at the end of any fiscal year ending before the date of enactment of this Act; or

(B) for a particular county, if the Commission determines, after notice and public hearing, that such county has taken any final action or order which is inconsistent with the management plan or any regulations, guidelines, or standards issued or other actions taken by the Secretary or the Commission under this Act.

(c) LAND ACQUISITION GRANTS.—(1) The Secretary is authorized to make grants to the States of Oregon and Washington for the acquisition of lands and waters and interests therein within the National Scenic Area.

(2) The grants authorized by subsection (c)(1) of this section shall—

(A) be made in a manner consistent with the requirements of the Land and Water Conservation Fund Act (16 U.S.C. 4601–4 et seq.);

(B) not exceed 75 percent of the total cost of all property acquired by each State pursuant to this subsection;

(C) be supplemental to any other Federal financial assistance for any other program; and

(D) be subject to such additional terms and conditions as the Secretary may deem necessary to effectuate the purposes of this Act.

SEC. 15 ENFORCEMENT.

(a) The Commission shall monitor activities of counties pursuant to this Act and may take such action as necessary to ensure compliance.

(b) APPEAL TO THE COMMISSION.—Any person or entity adversely affected by any final action or order of a county relating to the implementation of this Act may appeal such action or order to the Commission by filing within thirty days a written petition requesting that such action or order be modified, terminated, or set aside.

(c) Civil Action to Enforce Act.—The Commission, or, at the request of the Secretary or of the Commission, the Attorney General of the United States, or the Attorney General of Oregon or Washington, may institute a civil action for an injunction or other appropriate order to prevent any person or entity from utilizing lands within the Scenic Area in violation of the provisions of this Act, the management plan, or any implementation measures adopted or other actions taken by the Secretary, the Commission, or any county pursuant to this Act.

(d) CITIZENS SUITS.—Any person or entity adversely affected may commence a civil action on his or her behalf to compel compliance with this Act—

(1) against the Secretary, the Commission or any county to the extent permitted by the eleventh amendment to the Constitution which is alleged to be in violation of the provisions of this Act, the management plan or any implementation measures adopted or other actions taken by the Secretary or Commission under this Act; or

(2) against the Secretary, the Commission, or any county to the extent permitted by the eleventh amendment to the Constitution where there is alleged a failure of the Secretary, the Commission or any county to perform any act or duty under this Act which is not discretionary with the Secretary, the Commission or any county.

(e) LIMITATION ON BRINGING OF CITIZENS SUITS.—No action may be commenced—

(1) under subsection (d)(1) of this section—

(A) prior to sixty days after the plaintiff has given notice in writing of the alleged violation (i) to the Secretary, (ii) to the Commission, and (iii) to the county in which the violation is alleged to have occurred; or

(B) if the Attorney General of the United States, or the Attorney General of Oregon or Washington, has commenced and is diligently prosecuting a civil action pursuant to subsection (c) of this section to require compliance with the management plan or any regulations, guidelines, or standards issued or other actions taken by the Secretary, the Commission, or any county pursuant to this Act: *Provided,* That in any such action any person or entity otherwise entitled to bring an action pursuant to subsection (d) of this section may intervene as a matter of right; or

(2) under subsection (d)(2) of this section prior to sixty days after the plaintiff has given notice in writing of such action to the Secretary, the Commission, and to the county in which the failure to perform any act or duty pursuant to this Act is alleged: *Provided,* That such action may be brought immediately after such notification where the violation or order complained of constitutes an imminent threat to the health or safety of the plaintiff or would immediately affect a legal interest of the plaintiff.

(f) JUDICIAL REVIEW.—Any person or entity adversely affected by—

(1) any final action or order of a county, the Commission, or the Secretary relating to the implementation of this Act;

(2) any implementation measure adopted pursuant to this Act; or

(3) any appeal to the Commission pursuant to this section

may appeal such action or order by filing in any of the courts specified in subsection (h) of this section, within sixty days after the date of service of such order or within sixty days after such action is taken, a written petition requesting such action, order, implementation measure, or appeal taken to the Commission be modified, terminated, or set aside.

(g) CIVIL PENALTIES.—Any person or entity who willfully violates the management plan or any orders, regulations, guidelines, or standards issued or other action taken by the Secretary, the Commission, or any county pursuant to this Act may be assessed a civil penalty not to exceed $10,000 for each violation. No penalty may be assessed under this subsection unless such person or entity is given notice and opportunity for a hearing with respect to such violation. Each day a violation occurs shall be a separate offense.

(h) FEDERAL COURT JURISDICTION.—The United States districts courts located in the States of Oregon and Washington shall have jurisdiction—

(1) to review any appeals taken to the Commission pursuant to subsection (b) of this section;

(2) over any civil actions brought pursuant to subsection (c) or (d) of this section; or

(3) any appeal taken pursuant to subsection (h) of this section.

SEC. 16. AUTHORIZATION OF APPROPRIATIONS.

(a) There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act, except that—

(1) the total amounts authorized to be appropriated for the purpose of acquisition of lands, water, and interests therein within the Special Management Areas pursuant to section 9 of this Act shall not exceed $35,000,000;

(2) the total amounts authorized to be appropriated for the purpose of acquisition of lands along the Old Columbia River Highway pursuant to section 12 of this Act shall not exceed $600,000; and

(3) the total amounts authorized to be appropriated for the purpose of making loans to the Develop-

ment Corporation pursuant to section 13 of this Act shall not exceed $15,000,000.

(b) Notwithstanding any other provision of law, the Secretary of the Interior shall deposit revenues from the sale of surplus public lands in Oregon or Washington under the jurisdiction of the Bureau of Land Management in the Land and Water Conservation Fund in an amount equal to that actually appropriated from the Fund pursuant to this Act.

SEC. 17. SAVINGS PROVISIONS.

(a) Nothing in this Act shall be construed to affect or modify any treaty or other rights of any Indian tribe.

(b) Nothing in this Act shall be construed to affect or modify the rights and responsibilities of any Federal, regional or state agency pursuant to the Pacific Northwest Electric Power Planning and Conservation Act (Public Law 96-501, 94 Stat. 2697).

(c) Nothing in this Act shall be construed to affect or modify the rights and responsibilities of the Oregon State Parks Division or the Washington State Parks and Recreation Commission.

(d) Except for the offsite disposal of excavation material, nothing in this Act shall be construed to affect or modify the responsibility of the United States Army Corps of Engineers to improve navigation facilities at Bonneville Dam pursuant to Federal law.

(e) Except for the management, utilization, or disposal of timber resources on non-Federal lands within the Special Management Areas, nothing in this Act shall affect the rights and responsibilities of non-Federal timber land owners under the Oregon and Washington Forest Practices Acts or any county regulations which under applicable State law supersede such Acts.

(f) Nothing in this Act shall be construed to affect current ownership or management by the Oregon State Highway Division of the old Columbia Gorge Scenic Highway.

(g) Congress does not intend that establishment of the Scenic Area and designation of Special Management Areas lead to the creation of protective perimeters or buffer zones around the Scenic Area or each Special Management Area. The fact that activities or uses inconsistent with the management directives for the Scenic Area or Special Management Areas can be seen or heard from these areas shall not, of itself, preclude such activities or uses up to the boundaries of the Scenic Area or Special Management Areas.

(h) Nothing in this Act shall be construed to affect or modify any provision of Federal or State law or regulation or county ordinance which may be more protective of the scenic, cultural, recreation, or natural resources of the Scenic Area.

SEC. 18. SEVERABILITY.

(a) If any provision of this Act or the application thereof to any person, State, Indian tribe, entity, or circumstance is held invalid, neither the remainder of this Act, nor the application of any provisions herein to other persons, States, Indian tribes, entities, or circumstances, shall be affected thereby.

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STATEMENT OF HON. MARK O. HATFIELD, A U.S. SENATOR FROM THE STATE OF OREGON

Senator HATFIELD. Mr. Chairman, first I would like to affirm your observation about the lack of testimony here by the administration. It is difficult to really understand why that has not appeared before now. I do not know where the holdup is, either. The Director of the OMB is very anxious to have my ear in about 20 minutes; he will be coming here to the back room. Maybe I can find out in the back room why if we cannot find out from normal channels.

Senator WALLOP. If you do, tumble him out here and let us hear it.

Senator HATFIELD. I am sure he will be happy to share his time with you.

Mr. Chairman, this day has been a long time in coming, that is, to launch a workable and a clear policy for the protection of the Columbia River Gorge, which is certainly one of nature's great creations. I think since the day that I introduced the first bill that there have been five attempts made at legislative formulas or legislative arrangements to protect the gorge, not only its magnificent scenery and its unique cultural and recreational natural character, but also to consider the importance of the 44,000 Oregonians and washingtonians who live and make their livelihood in the gorge.

We have been optimistic before about some of the proposals and we have, of course, been disappointed from those past efforts. But I think they all have an accumulative effect in building to a point where we are today because I think we have now come to the closest time of consensus.

The capstone of S. 2055, I think, is certainly the efforts of Senators Packwood, Evans, Gorton, Governors Atiyeh and Gardner, myself, interested groups, individuals, and we have a bill of general consensus. And I think that is the way we are going to have to resolve this whole issue, is one of consensus. If it is going to develop, a system will stand the test of time like the gorge itself.

That is not to say that we have consensus today on every detail or every aspect of this bill. But I do believe, from the day of February 6, when it was jointly introduced, I said at that time that I believed improvements can be made, will be made, and the testimony of citizens and groups today will help in bringing about that kind of final bill.

I look forward to working with the colleagues on the committee and with others who have been long involved in this effort of coming up with a final bill that can not only justify the recommendation of this committee but the support of the Senate and of the House and by that time hopefully we have the attention of the White House on this and they will join in this historic opportunity that we have to protect this magnificent gorge.

And I want to thank you, Mr. Chairman, for providing this opportunity today for this hearing. Senator Evans and I, Senator Packwood and others, have on occasions, held hearings in the field. I sat from 9 o'clock until about 7 o'clock 1 day without benefit of lunch hour in Portland and I know that hearings were held on the Washington side of the river as well. So people have had great opportunity already to express themselves, both in hearings and in private communications and in public meetings. So this is, I think, the end of the public discussions in terms of public hearings, and I am very hopeful that we can move quickly after this hearing to get a bill that can be reported out of this committee.

I thank you, Mr. Chairman.

Senator WALLOP. Thank you, Senator Hatfield.

Senator Evans.

STATEMENT OF HON. DANIEL J. EVANS, A U.S. SENATOR FROM THE STATE OF WASHINGTON

Senator EVANS. Thank you, Mr. Chairman. I join with my colleague Senator Hatfield in thanking you for holding this hearing. It is obvious from the witness list and from the number of people in the audience that we are in for an interesting and perhaps extended day. But it is an important one. And, Mr. Chairman, I would ask that the full opening statement I have be included in the record.

Senator WALLOP. By all means.

Senator EVANS. If I could just make one set of comments, and that is in pointing out to everyone that we are only as far as we have come now because there was willingness on the part of all four Senators of the two States to join together in producing a piece of legislation that will act as a base. I think all four of us feel that it is just that, a base for further improvements.

However, all should understand—and I am sure the testimony today will bear this out—that we have a very difficult balancing act, a balancing act between those who rightfully and in some cases since territorial days have homesteaded and lived on and in the Columbia Gorge and have called it their home, have a great deal of love for their home, and there are 40,000 people who live within that gorge and we cannot and I will not take action that will unduly take from them their livelihood and their opportunities to continue to live there.

By the same token, those who live there and those who have the love of the gorge from a different perspective, the recognition that it is a unique area of the country, that it does deserve unique kinds of protection, and so there has to be not only some give and take, but hopefully some partnership in how we can do both at the same time, and in doing both, create perhaps a unique answer, an answer that is as unique as the gorge itself, an answer that will respect and understand the needs of the 40,000 people who live there and at the same time preserve, not just for this generation but for generations to come, the uniqueness of the Columbia Gorge.

[The prepared statement of Senator Evans follows:]

STATEMENT OF SENATOR DANIEL J. EVANS
REGARDING S. 2055, THE COLUMBIA GORGE
NATIONAL SCENIC AREA ACT
JUNE 17, 1986

On February 6, 1986, I joined with Senators Hatfield, Packwood and Gorton to introduce S. 2055, the Columbia Gorge Scenic Area Act. The legislation we introduced is intended to maintain a balance between protection of the outstanding characteristics of the Columbia Gorge and the growth needs of the people who live there.

I have spent many hours working with other members of the Northwest congressional delegation and the governors of Oregon and Washington to craft appropriate Gorge legislation. Furthermore, I have conducted extensive field hearings and workshops on the issue, and have solicited the comments of many Gorge residents and others affected by the proposed legislation.

The bill we introduced was the result of this effort. We did not intend for the bill as introduced to be the final version of Gorge legislation. Instead, it was intended to be the starting point in the process of Congressional consideration of Gorge legislation.

S. 2055 recognizes that protection of some areas of the Columbia Gorge is more critical than the protection of others. Consequently, the bill employs a two-tiered management scheme. S. 2055 establishes a 270,000 acre Columbia Gorge National Scenic Area. Within the National Scenic Area, special management areas comprised of approximately 108,000 acres are managed by the Secretary of Agriculture through the United States Forest Service.

There are a diverse and sometimes competing array of interests in the Gorge. Some are national in scope, some regional, some state and some local. The Commission empowered to develop a management plan for the National Scenic Area is intended to balance the local, state, and regional interests. The national interest is protected through the guidelines of the federal legislation and management by the Secretary of Agriculture of those lands with truly outstanding scenic, recreation or natural resource quality. Of course, no legislation to establish a national scenic area in the Columbia Gorge would be successful without the active participation and support of local governments. Consequently, the bill relies on counties to develop implementation measures to effectuate the land management plan.

S. 2055 also recognizes the distinction between the different needs of the urban areas and the rest of the National Scenic Area. Consequently, the bill establishes Cascade Locks, Hood River, Mosier, and The Dalles, Oregon, and Bingen, Carson, Dallesport, Lyle, North Bonneville, Stevenson, White Salmon, and Wishram, Washington as areas distinct from the remainder of the National Scenic Area. These cities and towns essentially are exempt from the legislation. They remain as part of the National Scenic Area primarily to enable businesses and non-profit organizations within them to qualify for low-interest loans from the Columbia Gorge Development Corporation.

We have attempted to resolve the more intense land-use conflicts through a judicious land acquisition scheme. The Secretary of Agriculture is authorized to acquire lands within the special management areas. The Secretary is encouraged, however, to acquire less-than-fee interests in land such as conservation and scenic easements. Furthermore, the Secretary's inherent power of eminent domain is greatly restricted. Specifically, the Secretary is prohibited from acquiring single-family residences, farms, and grazing areas and lands used for educational, religious, or charitable purposes. Finally, the legislation requires that the Secretary take into consideration any hardship to a willing seller of land which might result from any undue delay in acquiring the property.

We recognize that acquisitions may have an adverse impact on the tax base of Gorge counties. To lessen the impact, S. 2055 establishes the Special Management Areas as a unit of the National Forest System. Inclusion of acquired lands within the

National Forest System will increase the ratio of federal timber receipts going to Gorge counties. The bill allows counties to use timber receipts attributable to federal acreage within the National Scenic Area for purposes beyond those allowed generally. Furthermore, the bill directs the Secretary to acquire forest lands through exchange. And we are actively discussing with the Washington Department of Natural Resouces the possibility of three-way exchanges to lessen further the impact on the counties' tax bases.

One of the more perplexing problems in the development of legislation has been that of interim management prior to completion of the land-use planning process. After much debate, we decided not to include in the bill a moratorium on development. Instead, the bill directs the Columbia Gorge Commission to review major development actions on a case-by-case basis until the management plan and implementation measures are adopted. The Secretary of Agriculture has a similar responsibility in the special management areas.

The Columbia Gorge is a unique national and regional asset that warrants protection. I believe S. 2055 is a sound, effective, and equitable means to accomplish this objective. I do not mean to imply, however, that the bill in its present form is the final answer for protection of the Columbia Gorge. Today we will conduct a hearing on the legislation. Following the hearing, the cosponsors of this legislation and the members of the Energy and

Natural Resources Committee will continue our efforts to refine the bill. As a result of today's hearing, there may well be more changes.

I am grateful to the distinguished chairman of this subcommittee Senator Wallop for his interest in the protection of the Columbia Gorge and his decision to hold this hearing. I pledge to him, and to those who wish to participate constructively in the development of this legislation, my sincere and earnest efforts to address their concerns.

Senator WALLOP. Thank you, Senator Evans.

Senator Gorton has a statement for the record.

And we have with us Senator Packwood, who has been occupied with a variety of other things, but perhaps none so sticky as this. Welcome here this morning, Bob.

[The prepared statement of Senator Gorton follows:]

STATEMENT OF SENATOR SLADE GORTON

COLUMBIA GORGE NATIONAL SCENIC AREA ACT

The hearing today on S. 2055, a bill to establish the Columbia Gorge National Scenic Area, moves us one step closer to providing protection for the Columbia River Gorge. The gorge is a spectacular canyon, abundant in natural resources, where the Columbia River cuts through the Cascade Mountains and divides the states of Oregon and Washington. It is also the home and workplace for over 40,000 people, many of whom are descendents of early homesteaders. The gorge holds a unique place in the historical development of this country, and it continues to hold an important position in the economy of the pacific northwest, particularly for navigation, energy production, transportation, timber production, fishing, agriculture and recreation.

I have worked on protecting the Columbia Gorge with my colleagues, Senators Evans, Hatfield, and Packwood, for the last six years. Last February, for the first time in those six years, the Senators were able to agree on introducing the same legislation, the bill that is to be considered by the Subcommittee today, S. 2055.

Recognizing that there are many diverse, and sometimes conflicting, interests in the future development of the gorge, S. 2055 is crafted to provide the strong measures necessary to protect and enhance the scenic, cultural, recreational, and natural resources of the Gorge, while protecting the rights of the 40,000 people who call the Gorge "home."

The focus of the legislation is on prudent planning for the management and development of all resources, both natural and cultural, in the Gorge. S. 2055 would accomplish this through developing a partnership between a bi-state regional commission, the United States Forest Service, and the local governments. The bill provides strong directives for the development of an overall management plan for the Scenic Area, while retaining the flexibility needed to address the concerns of the diverse interests in the Gorge.

The hearing today will provide an opportunity for many of those diverse interests to make their views known to the Committee that will be considering this legislation in the Senate. Although different conclusions may be reached, all of the witnesses will be speaking from a genuine concern about the future of the gorge. I expect that many good ideas will surface that will serve to improve the bill, and I look forward to receiving them. It is important that the legislation that is eventually enacted be a consensus of all points of view.

STATEMENT OF HON. BOB PACKWOOD, A U.S. SENATOR FROM THE STATE OF OREGON

Senator PACKWOOD. Actually in retrospect, Mr. Chairman, the tax bill has been easier than this bill. [Laughter.]

Senator WALLOP. That is what I mean when I said there was perhaps none so sticky as this.

Senator PACKWOOD. Mr. Chairman, thank you very much. I would ask that my entire statement be placed in the record.

Senator WALLOP. By all means.

Senator PACKWOOD. I am fully aware of what both Senator Hatfield and Senator Evans said, that we are not going to be able to pass a bill in this Congress that does not have a consensus. If this bill divides Oregon from Washington or Portland from The Dalles or Clark County from Klickitat County, it will not pass.

In the legislative system the Congress is designed for delay, and I think probably wisely. In retrospect, I have learned we make more mistakes in haste than we lose opportunities in delay. On occasion all of us will take advantage of the rules to delay things and if a bill were to be jammed out of this committee or jammed to the floor that did not have a consensus, I think it very unlikely to pass.

So the question is: What can we pass this session that we can all agree upon? I have got to compliment Senator Hatfield, Senator Evans, and Senator Gorton. They have all worked hard in attempting to reach a consensus bill.

The bill that we are considering, S. 2055, attempts to balance State, Federal, and local interests, at the same time protecting a national treasure. Anyone who has seen the Columbia Gorge knows that it is indeed unique. Mr. Chairman, the word "unique" is a term that is overused on occasion but it is not unwisely used when it comes to the description of the gorge.

I view this bill as an outline for protection rather than as a final product. The bill however in my judgment leaves in some doubt effective protection of the scenic and natural values of the gorge. There are four main points that I would urge you to consider in strengthening the bill.

One, enforcement of the management plan by the Commission must be required, not discretionary as it is currently written in the bill.

Two, the Secretary of Agriculture as the principal Federal overseer has the authority to revise the Commission's plan, but the Commission can override these revisions by a vote of 8 of the 12 members. This is the same number of votes necessary to adopt the management plan. Therefore, a vote of 8 to override is virtually meaningless and I believe such a significant action should require a majority of 9 of the 12, rather than 8.

Three, standards for development need to be strengthened to protect scenic and natural resource values. These guidelines as supported by the Oregon and Washington Columbia River Gorge Commissions provide the nuts and bolts of effective gorge protection. The standards should clearly state that future medium- and high-density residential development should be concentrated in existing population centers rather than in open and undeveloped areas of the gorge. Commercial development should take place in existing communities and only allowed outside these areas, if there is need and if this development will not adversely impact the scenic, natural, and cultural values. Surface mining should not be allowed inside the special management areas and the Secretary of Agriculture should be directed to study the major tributaries of the Sandy, Hood, Deschutes, White Salmon, Wind, and Klickitat Rivers for inclusion in the wild and scenic river system.

Four, the Secretary of Agriculture and the regional commission should review all land use and resource management decisions between enactment of legislation and approval of the management plan.

That is the conclusion of my abbreviated statement, Mr. Chairman, and I very much appreciate you putting me on early in the hearing so I can get back to the other task that has been occupying me these past few months.

[The prepared statement of Senator Packwood follows:]

TESTIMONY OF THE HONORABLE BOB PACKWOOD U.S. SENATOR FROM THE STATE OF OREGON ON S.2055

Mr. Chairman, I appreciate the opportunity to testify on S.2055, legislation establishing a national scenic area for the Columbia River Gorge in Oregon and Washington. The Gorge is a nationally significant landscape of majestic waterfalls and diverse landscapes, including the spectacular 620 foot high Multnomah Falls in Oregon. One of the special attributes of the Gorge is that it is home to thousands of people who live in small towns, cities and on farms. Legislation adopted by Congress should balance the interests of local residents with the need to protect this scenic region of our nation.

My efforts to assure protection of this area began in 1982, when I first introduced Gorge protection legislation. Since that time, field hearings and town meetings have been held throughout the area to discuss protecting this landscape. Today is the first opportunity to formally discuss the Gorge issue with my colleagues. I am glad to be here to discuss a special place. I believe the bill before you today can serve as a foundation for comprehensive Gorge management and protection. I want to emphasize, however, that I view this bill as a starting point in developing a plan to protect the Gorge, not a final product.

Before discussing recommended changes to the bill, I would like to review briefly some of the major components of S.2055:

1. The bill establishes a national scenic area encompassing approximately 270,000 acres along the Columbia River Gorge in Oregon and Washington.
2. The area would be administered through a partnership of the Forest Service and a 12 member bi-state commission.
3. The bill creates four special management areas managed by the Forest Service including some 108,000 acres of the total Gorge area.

In addition, S.2055 designates the Oregon communities of Cascade Locks, Hood River, Mosier, The Dalles, and the Washington communities of Bingen, Carson, Dallesport, Lyle, North Bonneville, Stevenson, White Salmon, and Wishram as "urban areas". These communities would be exempt from both the Forest Service and bi-state commission planning processes. This was included to assure established towns and cities that Gorge legislation would not interfere with planning and development. In fact, an economic development corporation proposed in the bill would provide low interest loans to fund Gorge projects that are compatible with the national scenic area management plan. For example, the development of tourist and recreational facilities could be aided through these loans.

Unfortunately, Mr. Chairman, the bill we are discussing today will not adequately protect the scenic and natural values of the Gorge. It is only the framework, a beginning for Gorge protection. Therefore I urge you to consider modifications to the following four sections of the bill:

1. Enforcement of Management Plan;
2. Commission Override of Secretary of Agriculture;
3. Standards for Development; and
4. Interim Management.

Let me explain why these provisons to be strengthened.

1. Enforcement of Management Plan

S.2055 directs the 12 member commission to monitor the activities of the affected counties pursuant to the act and it may take enforcement actions to ensure compliance. To me, discretionary enforcement is unacceptable. If enacted, this provision would almost inevitably lead the commission to fail. Unless the commission is required to enforce the act and its regulations, there is no assurance that the management plan will be implemented.

2. Commission Override of Secretary of Agriculture

Adoption of the scenic area management plan is certainly one of the most important components of Gorge legislation. The bill before you provides that the Secretary of Agriculture review the commission's management plan. The Secretary has the authority to revise that plan and the commission can override these revisions by a 2/3 vote or 8 of the 12 members. This is the same number of votes necessary to adopt the management plan therefore a vote of 8 to override is virtually meaningless. I believe that such a significant action should require a majority of 9 of the 12 members.

3. Standards for Development

The third provision that needs to be strengthened is content of the management plan, which provides standards and guidelines for development. Strong standards are vital to prevent incremental development from marring the scenic integrity of the Gorge. Land use and development standards are the nuts and bolts of effective protection legislation. According to a Gorge Commission study, between 1980-1984 over 890 acres have been subdivided into 232 lots in Skamania and Klickitat counties in Washington state. This land conversion trend is occurring throughout the Gorge and will continue unless we develop a coordinated management plan.

Detailed land development standards in the legislation will ensure that there will be a consistent level of protection throughout the Gorge. The Forest Service has experience in developing land use standards; much of the expertise in managing the Sawtooth National Recreation Area in Idaho, for example, could be applied to Gorge management.

The Gorge development standards should prohibit development within the special management areas that would adversely affect the natural, scenic and cultural values of the Gorge. The standards of federal legislation should, at a minimum, be consistent with the Columbia Gorge Commission's standards. The Gorge Commission was established in the late 1950's by the Oregon and Washington state legislatures to promote the protection and enhancement of the region's scenic, natural, cultural and recreational values of the region. For example, the Commission recommends that "Future housing should be concentrated in existing population centers rather than in open and undeveloped areas of the Gorge." Likewise, S.2055 prohibits major development including subdivisions, multifamily housing, commercial and industrial facilities within the special management areas, while allowing for single family residences in the special management area if they do not substantially impair the Gorge resources. One of the major development threats in the Gorge is the haphazard siting of residences in unincorporated areas. This practice is contributing to the conversion of rural lands to housing developments. Housing development should be channeled into existing communities and urban areas.

Commercial development should also take place within the urban areas of the Gorge. The bill before you "encourages" development to be channeled into urban areas. I believe we should have a needs test for commercial development outside of existing communities. A case should be made that there is a need that cannot otherwise be met and that such development would not adversely impact the scenic, natural and cultural values.

Surface mining certainly detracts from the scenic and natural values of the Gorge. Gravel operations that can be seen from major highways have unnecessarily scarred the landscape. Therefore I don't believe any surface mining should be allowed within the special management areas. All counties in the Gorge except for Clark (Washington) now prohibit surface mining which is visible from major highways. S.2055 would encourage, but not require, surface mining to take place outside of the special management areas. These are the most critical lands in the Gorge and should not be violated.

Hydroelectric projects are being studied and planned for several of the tributaries of the Columbia River. For example, the Wyeth hydro project in Oregon threatens one of the most beautiful waterfalls in the Gorge, 100 foot Gorton Creek falls. If this project receives Federal Energy Regulatory Commission (FERC) approval, the change in the river could cause the falls to disappear. Any Gorge legislation should include standards prohibiting new hydro development within the special management areas.

In addition, I recommend that this subcommittee request the Secretary of Agriculture to study major tributary streams within the Gorge to determine their eligiblility for inclusion in the Wild and Scenic Rivers System.

4. Interim Management

Finally, I would like to discuss the time between the enactment of legislation and approval of the management plan. As you know from your experiences with federal parks, there will be many attempts to develop this area before a plan is adopted. This will be a critical time. The Secretary and the commission will have to closely monitor and review all land use and resource management decisions including subdivision development, energy production, and highway projects. S.2055 requires the Secretary of Agriculture to review proposals for new residential development within the special management areas. I believe the Secretary should not only review all projects but should also conduct a needs test to determine whether the project is necessary and that it will not adversely impact the scenic and natural values of the Gorge.

Conclusion

I believe these four changes to S.2055 are necessary to ensure protection of the Gorge for future generations. Mr. Chairman, I urge you to view these modifications to S.2055 as a package vital to developing a coordinated management plan for the Columbia River Gorge.

Senator WALLOP. Bob, thank you. I realize what we are doing here, the scope of it and the complexity of it. It has been the habit of this subcommittee not to try to force things on the Senators from the various affected States. We have tried to wait for a consensus and we will probably be taking most of our cues from you four Senators.

Senator PACKWOOD. It is very seldom, in my experience here, that a committee where a particular bill affects only one State or in this case it happens to affect two States, that the committee attempts to impose its will over the judgment of the Senators involved. Even if there is a split, there is a reluctance of the committee to attempt to choose sides. So that is why I say it is very important that we attempt to get a consensus if we want any bill at all.

Now there may be some that would rather have an issue than a bill. I understand that. As a matter of fact, we are going to face that on the floor of the Senate in a particular amendment pretty soon. I desperately would like to get a bill so that at least we can get preliminary protection of some very critical areas, and the bill as introduced does take care of some of those areas. I think it can be improved, but the judgment we are going to have to make is do we want any bill at all.

Senator WALLOP. Senator Hatfield.

Senator HATFIELD. I have no questions except to say to my colleague that we have worked together on this for a number of years and I look forward to continuing to work together until we accomplish it.

Senator PACKWOOD. Thank you.

Senator WALLOP. Thank you, very much.

Senator PACKWOOD. Thank you very much.

Senator WALLOP. The next witness is the Governor of the great State of Oregon, Governor Atiyeh.

Good morning, Governor and welcome.

STATEMENT OF HON. VICTOR ATIYEH, GOVERNOR, STATE OF OREGON

Governor ATIYEH. Thank you very much, Mr. Chairman. I have traveled, as our west coast colleagues do, I left Oregon, what is it, 12 o'clock this morning, and I will be back in Oregon again this evening. But it was important for me to come and appear and lend my support to the legislation you are considering and I feel very keenly about it.

I can recall a number of years ago, as a matter of fact a great number of years ago, I traveled back East as a high school student and was coming back after some time in the East with my uncle, and I can recall the last leg of that journey. It was early in the morning, and I remember getting up quite excitedly and raising the shade of the train—you cannot do that too much anymore—and watched as we passed through the incredible beauty of the Columbia River Gorge. Even when I was a teenager, the gorge commanded my respect for its example of God's perfect creation among our Nation's proud heritage and of man's ingenious handywork.

So I come to you today feeling even more strongly about the gorge than I did then. Now after years of starts and stops, something finally must be done about it. So I have come to ask you personally to act favorably, speedily, and proudly on this compromise plan, Senate bill 2055.

Where I come from, it would be hard to imagine welcoming visitors into your home without taking them to see the Columbia River Gorge. When we go through old family albums, we come across pictures of relatives and there they are Beacon Rock and mammoth formations surpassed in size only by the Rock of Gibraltar.

But unlike the camera that shot those pictures in the family album, this bill does not propose nor do I favor freezing the gorge in time. Instead, this bill asks you to guarantee the commonsense protection and the orderly development of an area that is one of our greatest national treasures. I come to you as Governor of the great State of Oregon. But I want you to understand one thing: that mine is not a political commitment. Instead, mine is a commitment as personal as the feelings of a boy marveling at the gorge from the window of his Pullman car.

For any member of this subcommittee who has not traveled through the gorge, and I am sure you mostly have, I wish I could say it is like some other popular national attraction. Fortunately, the gorge is not like anything else. That is precisely why it must be protected and preserved for the pleasure of this and future generations.

The Columbia River Gorge is in fact a unique blend of worldwide commercial activity, of regional energy generation, of American history, and of wondrous natural beauty. It is a superb waterway carrying wheat and other goods to the rest of the world. It is an efficient powerhouse producing electricity for the region. It is the historic route that Lewis and Clark followed to the Pacific. It still contains stretches of a magnificent engineering fete known as the Columbia River Highway. It is a dramatic canvas onto which nature has splashed color, grandeur, and variety which Theodore Roosevelt said for scenic grandeur is not equaled anywhere.

Besides Beacon Rock, there is the splendor of Multnomah Falls which has been termed "The Queen of American Waterfalls." Besides stretches of the old Columbia River Highway now listed on the National Register of Historic Places, there is a waterway that in length is the second largest in America.

Beside Bonneville and the other dams on the Columbia, there is the historic lodge at Multnomah Falls, the Vista House at Crown Point, which enchant visitors from as far away as Germany and Japan. But the gorge is even more, and that is why I brought pictures and why also I would be delighted to show anyone the gorge personally.

Mr. Chairman, we have some with us coincidentally printed in a tabloid-size Sunday paper a couple of weeks ago and I would like to share it with you and not only the subcommittee members but the members of the committee, as well.

Nearly 70 years ago in 1917 Sunset magazine chronicled a day's automobile tour of the gorge and commented:

> The view cannot be estimated in money, but the history of human kinds appreciation of the Gorge began long before that. For 11,000 years, humans have inhabited the Gorge. Indians lived and fished for salmon in the Gorge. In 1856 the first pioneer wagon was begun. In 1883 the first locomotive steamed through the Gorge. In

1915 the Nation marveled at the highway that had been completed through the Gorge.

In 1937 Federal reports were issued and some of the recommendations should sound strangely familiar to us today. You may want to look up those 1937 reports. In 1951 a Portland woman named Gertrude Jensen reported logging damage adjacent to the highway, prompting creation of a Save-the-Gorge Committee. In 1952 the Oregon Governor, Douglas McKay, appointed a Columbia River Gorge Commission and in 1959 a similar Commission was appointed in the State of Washington.

In 1973 these two States that are bounded by this significant natural resource agreed to work together on the future of the gorge. In 1979 and my first year as Governor, I began my personal crusade to protect the magnificence of the gorge.

In 1980, a group established a Friends of the Gorge with offices in Portland, Vancouver, and Seattle. In 1983, two bills were introduced in the Congress of the United States; and now in 1986, having this workable compromise you enjoy an unusual and possibly last chance to write a chapter into the history of the Columbia River Gorge.

I am here today to urge you to do exactly that. I am proud of the four U.S. Senators from the States of Oregon and Washington. I am proud of the thousands of hours that they have devoted to working on the gorge. I know for a fact that has been the case because I of course have visited with my own Senators, Senators Hatfield and Packwood, and have visited with Senator Evans personally, and I know they are keenly aware of the desires of Oregonanians and Washingtonians; but the four Senators alone cannot do the job.

I am proud of the excellent work produced by the gorge commissions in the two States. Their authority, and therefore their impact, is seriously limited. Even as I speak to you, Oregon continues to acquire small parcels of land to preserve open spaces, to protect lands near the old highway, and to promote public access to scenic vistas in the gorge. I am proud of that, as well.

These parcels are small. Our land acquisition budget is modest, and we are working only on one side of the river. I ask you to recognize that this is not an Oregon State issue; it is not a Washington State issue; but a regional issue that can best be handled by the two-tiered management, and that is the plan I today urge you to adopt.

The Columbia River Gorge accommodates 17 towns and 40,000 residents. Without this plan, judicious control over this unique national resource will continue to be exercised by 50 or more Federal, State and local agencies. Again I say to you, this plan will not lock up the gorge against future development. Even where forested areas are protected, timber interests will have an opportunity to trade for timbered area outside the gorge.

I believe the time to act is now, as quickly as possible. Momentum is on our side. The time for extra effort is now. The time for waiting has long passed. Efforts have been made in the past, but never before have we been so tantalizingly close to accomplishing something for the future. This legislation has earned the support of all four Senators of the two affected States, of both Governors, and of major interests within the gorge.

If this legislation is delayed, I fear we will be back to the lawmaking equivalent of square one. Believe me, this legislation is vital not only to the States of Oregon and Washington, but absolutely is in the long-term interests of the Nation. It will promote orderly development, even as it preserves numerous species of animals, birds, and plant life, and protects memorable scenic vistas of beautiful geologic formations.

I urge you to act on this legislation. I am thinking of other young men and women who will travel through the gorge as I did as a teenager. When they see the gorge for the first time, I want them to be awed and emotionally touched by the rugged and serene beauty, as I was. I want future generations to learn their love of the gorge not from coffee table books or from oldtimers who can tell them how it once was, instead I want them to learn their love of the gorge from the thrill of their own senses that will tell them our generation acted today to preserve it for them.

Mr. Chairman, members of the committee, I am not going to be presumptuous enough to tell you how you should act on the measure in terms of timing and concensus. I would only suggest—maybe a little different from our Senator Packwood—that if he had waited for a concensus on a tax bill, I do not think anything would have ever happened. What he did do was to put together a good coalition, and then force the issue which is now being forced on the Senate floor.

I believe that if we are going to wait around for everybody to agree, we will not get anything done. I really very strongly urge you to move on the measure. I very strongly urge you to walk your way through all the testimony that is going to be given to you today. Make your own best judgment based on the study of our four Senators. Let them decide the way we should go, and then move forward. I fear if you do not, if we wait for everybody to agree, we will be back to the 1937 study and who knows what other studies have taken place in the past.

All one really needs to do is to see the gorge and know it as a national treasure, not an Oregon and Washington treasure. We just happen to be lucky enough to live there. It is a national treasure and should be protected.

Thank you for allowing me the time you have given to me. I appreciate it very much.

[The prepared statement of Governor Atiyeh follows:]

TESTIMONY BY GOVERNOR VIC ATIYEH
U.S. SENATE SUBCOMMITTEE ON PUBLIC LANDS,
RESERVED WATER AND RESOURCE CONSERVATION
WASHINGTON, D.C.
June 17, 1986

PREPARED TEXT

I remember taking a train East a number of years ago.

I was a student at Washington High School in Portland, I had come East for a Hi-Y meeting, and I had stayed with an uncle.

Even more vividly than any of that, however, I remember the last leg of my train ride home.

It was early morning, and I remember getting up excitedly, raising the shade, and watching as we passed through the incredible beauty of the Columbia River Gorge.

Even when I was a teen-ager, the Gorge commanded my respect for its examples of God's perfect creation, of my nation's proud heritage, and of man's ingenious handiwork.

As I come to you today, I feel even more strongly about the Gorge than I did then, and now I want to do something about it.

So I have come to ask you, personally, to act favorably, speedily and proudly on this compromise plan, Senate Bill 2055.

Where I come from, it would be hard to imagine welcoming visitors into your home without taking them to see the Columbia River Gorge.

When we go through old family albums, we come across pictures of our relatives -- and there they are at Beacon Rock, a mammoth formation surpassed in size only by the Rock of Gibraltar.

But unlike the cameras that shot those pictures in the family album, this bill does not propose -- and I do not favor -- freezing the Gorge in time.

Instead, this bill asks you to guarantee the common-sense protection and the orderly development of an area that is one of our greatest national treasures.

I come to you today as the governor of the great state of Oregon.

But I want you to understand mine is not a political commitment.

Instead, mine is a commitment as personal as the feelings of a boy marveling at the Gorge from the window of his Pullman car.

For any member of this Subcommittee who has not traveled through the Gorge, I wish I could say it is "like" some other popular national attraction.

Unfortunately, the Gorge is not "like" anything else, and that is precisely why it must be protected and preserved for the pleasure of this and future generations.

The Columbia River Gorge is in fact a unique blend of worldwide commercial activity, of regional energy generation, of American history, and of wondrous natural beauty.

It is an excellent waterway carrying wheat and other goods to the world.

It is an efficient powerhouse producing electricity for the region.

It is the historic route Lewis and Clark followed to the Pacific, and it still contains stretches of a magnificent engineering fete known as the Columbia River Highway.

It is a dramatic canvas onto which Nature has splashed color, grandeur and variety, and which Theodore Roosevelt said "for scenic grandeur is not equalled anywhere."

Besides Beacon Rock, you have the splendor of Multnomah Falls, which has been termed the queen of American waterfalls.

Besides stretches of the old Columbia River Highway, now listed on the National Register of Historic Places, you have a waterway that in length is second largest in America.

Besides Bonneville and the other dams on the Columbia, you have the historic lodge at Multnomah Falls and the Vista House at Crown Point, which enchant visitors from as far away as Germany and Japan.

But the Gorge is even more, and that is why I have brought pictures and why I also would be delighted to show you the Gorge personally.

Nearly 70 years ago, in 1917, Sunset magazine chronicled a day's automobile tour in the Gorge and commented, "The view cannot be estimated in money."

But the history of humankind's appreciation of the Gorge began long before that.

For 11-thousand years, humans have inhabited the Gorge.

In 1856, the first wagon road was begun.

In 1883, the first locomotives steamed through the Gorge.

In 1915, the nation marveled at the highway that had been completed through the Gorge.

In 1937, federal reports were issued and some of their recommendations should sound strangely familiar to us today.

In 1951, a Portland woman named Gertrude Jensen reported logging damage adjacent to the scenic highway, prompting creation of a Save the Gorge Committee.

In 1952, Oregon Governor Douglas McKay appointed a Columbia River Gorge Commission, and in 1959 a similar commission was appointed in the State of Washington.

In 1973, these two states that are bonded by this significant natural resource agreed to work together on the future of the Gorge.

In 1980, a group established the Friends of the Gorge with offices in Portland, Vancouver and Seattle.

In 1983, two bills were introduced in the Congress of the United States.

And now, in 1986, having this workable compromise, you enjoy an unusual chance to write a lasting new chapter into the history of the Columbia River Gorge.

I urge you to do exactly that.

I am proud of the four United States senators from the states of Oregon and Washington, and proud of the thousands of hours they have devoted to working on the Gorge.

But four senators alone cannot do the job.

I am proud of the excellent work produced by the Gorge commissions in the two states, but their authority and therefore their impact is seriously limited.

Even as I speak to you, Oregon continues to acquire small parcels of land to preserve open spaces, to protect lands near the old highway, and to promote public access to scenic vistas in the Gorge.

I am proud of that, as well.

But these parcels are small, our land-acquisition budget is modest, and we are working on only one side of the river.

I ask you to recognize that this is not an Oregon state issue, not a Washington state issue, but a regional issue that can best be handled by the two-tier management plan that I today urge you to adopt.

The Columbia River Gorge accommodates 17 towns and 40-thousand residents.

Without this plan, control over this unique national resource will continue to be exercised by 50 or more federal, state and local agencies.

Again I say to you, this plan will not lock up the Gorge against future development.

Even where forested areas are protected, timber interests will have an opportunity to trade for timbered areas outside of the Gorge.

The time to act is now.

The time for extra effort is now.

The time for waiting has past.

This legislation has earned the support of all four senators of the two affected states, of both governors, and of major interests within the Gorge.

If this legislation is delayed, we will be back to the law-making equivalent of Square One.

Believe me, this legislation is vital not only to the states of Oregon and Washington, but it also is in the long-term interests of the nation.

It will promote orderly development even as it preserves numerous species of animals, birds and plant life and protects memorable scenic vistas of beautiful geologic formations.

As I urge you to act on this legislation, I am thinking of other young men and women who will travel through the Gorge as I did as a teen-ager.

When they see the Gorge for the first time, I want them to be as awed by the rugged beauty as I was.

I want future generations to learn their love of the Gorge not from coffee table books or from oldtimers who can tell them how it once was.

Instead, I want them to learn their love of the Gorge from the thrill of their own senses that will tell them our generation acted today to preserve it for them.

# # #

Senator WALLOP. Governor, thank you.

I appreciate the little tidbits of management history contained in your statement. This is a question that I think needs developing for the record. Perhaps you might care to expand on your initial response over the course of the next couple of weeks. You pointed out it is a national treasure, and I have quarrel with that; I have seen it and I certainly share your exhilaration for what exists there—but so often the Federal Government when it is the court of last resort becomes as well the court of first resort.

Many of the problems between States, especially in dealing with rivers and volumes of water and other things, have been solved by compacts. If indeed this is a matter of some common interest between the States of Oregon and Washington, why could there not be a compact between those two States, especially given the emergency of which you speak? I have no idea what is going to take place in the House. I do not have a whole lot of an idea of what is going to take place here. The senior Senator from Oregon, as you know, is chairman of the Appropriations Committee, and we are probably looking at something like $100 million involved in these two things.

Have you got any comment initially on that? Would you be good enough to give us some musings on that? We will ask the same from the State of Washington.

Governor ATIYEH. We had considered at one time a compact, but I have been involved in the legislative process for a number of years before I became Governor and have seen compacts that were a long, and slow, and tedious process, and that the fastest way to be moving is the direction that we took. I suppose it is somewhat like waiting in line. Maybe if we had started then with a compact we might be closer to it today, but I thought that the legislation which you are now facing was the fastest way to go.

I do not know which judgment is correct. I still believe that legislation which you are facing is the best way to go in this case, because it is not easy and it is a long process, and I have seen it before. I was just anxious that a compact would require more time, but time now has shown that even this process is slow. That is why I am so anxious that you get something done this year. But it had been considered.

Senator WALLOP. I am simply looking at the number of legislative days remaining in an election year and the number of legislative issues that we have to confront. And probably in many respects I think it is fair to say it will have a tougher time in the House because more interests will weigh in on the House side that are extraneous to the States of Washington and Oregon than in the Senate. Inasmuch as the two Governors and the four Senators are in agreement on this, it might be helpful if there could not be at least an interim agreement between the States that might be at least approved as compacts are by this Congress.

Governor ATIYEH. Well, I understand, Mr. Chairman, that we can agree, Governor Gardner and I can agree. There is no question. We talk to each other, and we have similar feelings, but that is not going to get the job done, our agreeing to do so. There needs to be some kind of a tool that would manage the development and preservation of the gorge, and we do not have those tools as Governors. We do not have those tools.

I suppose we could start with a compact, but we are so close to this now.

Senator WALLOP. Well, I guess what I am suggesting is that however close this may be, given this year it may not be as close as we may like it to be just from the standpoint of the legislative process in exploring other concepts.

Senator Hatfield.

Senator HATFIELD. Thank you, Mr. Chairman. I am always happy to welcome my Governor to testify here before our committees.

Governor, I recall in your second inaugural address delivered in January of 1983 that you indicated that the legacy you would like to leave to the State of Oregon more than any other would be to see the enactment of the Columbia River Gorge legislation. Your term now ends in January.

Governor ATIYEH. January 12.

Senator HATFIELD. Of 1987.

Governor ATIYEH. Yes.

Senator HATFIELD. So we have to expedite this process.

Governor ATIYEH. Yes. You have only got just a few days left. [Laughter.]

Senator HATFIELD. I will do my very best.

Governor ATIYEH. Thank you, Senator. Thank you very much. It is good to see you.

Senator WALLOP. Senator Evans.

Senator EVANS. You should be on the Washington side of the river, and then your term might not end on January 1987, given the people's patience. [Laughter.]

Senator EVANS. I have no questions. I would just like to comment that the Governor has from the very beginning been an able and vociferous supporter, and I think that both Governors from both States have worked together to bring us as far as we have come now, and I hope we can make this last effort to get over the hump and to bring something together that will both do the preservation that is required, and at the same time recognize the unique characteristics of the gorge and the people who live there.

I appreciate the Governor's coming, and I especially appreciate his coming on the red eye, which I do not think I would ever do.

Governor ATIYEH. It is not a most pleasant task.

Senator WALLOP. My observations and questions were triggered by the fact that, as I am sure you know, there are 56 bills in the House. We have dealt with some of those committees before and find that their interest in speed is only superseded by their interest in self. It is very hard to move things, which is no reason why the Senate cannot begin acting.

Governor ATIYEH. We certainly know that our four U.S. Senators from Oregon and Washington have a sense of urgency. The whole legislative process, Mr. Chairman, and as I said I have been in it, is a matter of priorities of what we are going to move on first, what is urgent, what is the most important thing. I am trying to move this up on their urgency calendar. I know it is with you, but it has to come through the committee and then onto the floor, and I am really trying to move this up on the urgency calendar because I believe one of the great contributions you can make and I can make is this preservation of the gorge. I believe that sincerely.

Senator WALLOP. Governor, thank you very much. Get some rest before you get on the next airplane.

Governor ATIYEH. We will be on it to go back home, but I do thank you for the time you have allowed us. Thank you very much.

Senator WALLOP. Thank you, sir.

Next is Mr. Brian Boyle, commissioner of public lands, Olympia, WA; and Mr. David McCraney, assistant to the Governor of the State of Washington.

Commissioner Boyle.

STATEMENT OF BRIAN BOYLE, WASHINGTON STATE COMMISSIONER OF PUBLIC LANDS, OLYMPIA, WA

Mr. BOYLE. Mr. Chairman, members of the committee, thank you very much.

Mr. McCraney here of course is representing Gov. Booth Gardner and, while he is distributing things, I am the commissioner of public lands in Washington State, which is a separately elected statewide position. I have four reasons for being here today.

The first is that the Department of natural resources which I administer is the largest single non-Federal land manager in the gorge vista or gorge viewshed as it has been called often.

The second is that I am the chairman of the Forest Practices Board in the State of Washington.

The third is that the bedlands of the navigable waters in the State of Washington are under my administration, including the heart of the Columbia River that is in the State.

The fourth is that any conservation areas that might be acquired by the State of Washington in the future in the gorge scenic area would likely be under the administration of the department of natural resources.

In the 12-or-so years that I have been involved in the gorge issue and have been an observer of it, I have seen that it has generated disagreement among local governments in the gorge in economic development interests, and among everyone who is concerned about protecting the scenic rural character of the gorge resolution of the disagreements has been an elusive goal.

I am very encouraged to see the seriousness with which the Senate and the bill's sponsors have attempted to define an approach that is going to work. Passage of the Columbia River Gorge bill would be a praiseworthy accomplishment for all of us who are interested in protection of the qualities of the gorge that we most value.

Our goal in seeking protection for the gorge should be to prudently guide economic development so that it retains its traditional scale and natural resource base and does not become dominant over the landscape itself. At the same time, we must avoid so stifling economic activity that the communities lose their social vitality.

I want to address a critical aspect of that dual goal. Agricultural lands and commercial forestlands are viewed in the bill as important elements of the rural open space character of the gorge. With that, I have four major points which I will make briefly, and there is a longer version in our testimony that the committee staff has given you, I hope.

I strongly support the distinction between the special management areas and the remainder of the scenic area to improve on business as usual in the gorge's most critical lands while allowing traditional rural activities to proceed elsewhere in the scenic area.

Second, I also support the State Forest Practices Act's saving clause of Senate bill 2055 with respect to regulation of forestry activities outside the special management areas. On State lands in the gorge we go beyond minimum forest regulation. I have directed that timber harvesting on the State lands in the gorge be carried out as much as possible in ways that will minimize environmental and scenic impacts.

The third point is that the language clarifying the buffer zones are not created or implied around the special management areas is very good, and I would go a step further. I would recommend that additional language make it clear that permission for residential development up to the boundary that would designate agricultural or forestlands confers no right on the part of residential landowners, or commercial for that matter, to expect an untouched buffer be left on those adjacent agricultural or forest lands. There are numerous cases existing where land development next to forested and agricultural lands restricts the management ability of landowners to the degree that there is no choice but conversion. Taking action to avoid these conflicts by putting the onus for the buffer on the developer is an emerging trend in local land use regulation in Washington State, and I urge you to provide such an approach. I would be happy to work on specific language.

My fourth point is brief. In all aspects of your efforts at gorge protection, providing as much certainty as possible in the legislation will help speed resolution of conflicting views and acceptance by all parties. The creation of special management areas is a good example of providing certainty that scenic values will be protected.

Large forestlandowners in the special management areas which includes the State of Washington also need certainty that their lands will be acquired in a timely and fair manner. It is particularly important that the State trustlands be treated in the same manner as industrial forestlands as is intended in Senate bill 2055.

Our department of natural resources is prepared to move quickly to work with the Forest Service or others to lock in the exchange provisions, and I commend your attention to ensure promptness by Federal agencies, but also urge you to be even more specific by identifying specific parcels for exchange in the bill.

Finally, I look forward to working with other State and local officials and interested parties in helping to accomplish this mutual goal that we have, I think, of gorge protection. Thank you very much.

[The prepared statement of Mr. Boyle follows:]

SENATE ENERGY AND NATURAL RESOURCES COMMITTEE
SUBCOMMITTEE ON PUBLIC LANDS, RESERVED WATER & RESOURCE CONSERVATION

HEARING ON S. 2055 - COLUMBIA GORGE

Testimony of Brian Boyle
Washington State Commissioner of Public Lands
June 17, 1986

Good morning. I am Brian Boyle, Washington State Commissioner of Public Lands. I am a statewide elected official responsible for the administration of those state-owned trust lands which Congress granted the state at statehood for the express purpose of providing continuing financial support to our schools and other designated institutions. I also have other responsibilities including serving as chairman of the board that adopts forest practice regulations under our state forest practices act.

Twelve years ago I was a county commissioner in a county along the Columbia River a ways downstream from the Columbia gorge. Federal recognition of the gorge as a special area was advocated by many people then, and I was a supportive observer of that effort. Twelve years later I remain convinced of the need for Federal legislation for the gorge. This issue has generated disagreement among local governments in the gorge, economic development interests, and those concerned about protecting the gorge's scenic rural character. Resolution of these disagreements has proven an elusive goal. Instead, elected official's positions on the Columbia Gorge have been used as a purity test by organized advocates on both sides. The resolution that would really serve the public interest has not been seriously attempted. I am very encouraged, therefore, to see the seriousness with which Congress, and the sponsors of the bill you are considering, have attempted to find an approach that will work in the gorge. Passage of a Columbia Gorge bill would be a praiseworthy accomplishment for the sponsors, this committee, Congress, and all those interested in protection of those qualities of the Columbia Gorge we most value.

The Columbia Gorge is a unique feature of our Pacific Northwest landscape, economy, and culture. The scenic value of the dramatic landscape itself is unquestioned. The gorge also served historically and exists today as a vital transportation link. And the gorge supports a traditional rural ecomomy based on its forest products, its recreation opportunities, and the river itself. Our goal in seeking protection for the gorge should be to prudently guide ecomomic development, so that it retains its traditional scale and natural resource base, and does not become dominant over the landscape itself. At the same time we must avoid so stifling ecomomic activity in the name of scenic protection that the area loses its social vitality.

I want to address a crucial aspect of that dual goal. Agricultural lands and commercial forest lands are viewed as important elements of the rural open space character of the gorge. S 2055 recognizes this in calling for agricultural and forestry land use designations in the proposed planning process, and limiting the conversion of these lands to more intensive uses. Along with these measures to conserve our rural land uses, there must also be measures to ensure that the traditional economic activities that depend on these lands remain healthy.

Accordingly, I strongly support the distinction between Special Management Areas and the remainder of the scenic area. This is the best way to improve on business-as-usual in recognition of the national importance particularly of the gorge's most critical lands, while allowing traditional rural activities to proceed elsewhere in the scenic area.

I strongly support the state forest practices act savings clause of S 2055 , with respect to regulation of forestry activities outside the special management areas. That's not to say that improvements in forest practices shouldn't be encouraged even in the scenic area. I have directed that timber harvesting on state lands in the gorge be carried out as much as possible in ways to minimize impacts on scenery. I have and will continue to encourage other large forest landowners to do the same, in a voluntary coordinated way. The commission could play a role in this effort.

As desirable as it can be to clearly indicate your intentions by drawing boundary lines on maps, those lines can create conflicting expectations about how the activities on one side of the line are to affect activities on the other side. Therefore I also strongly support the language clarifying that buffer zones are not created or implied around the special management areas.

I would go a step further and recommend additional non-buffer strip language in relation to the designated residential areas. Such language would make it clear that permission for residential development up to the boundary with designated agricultural or forest lands confers no right on the part of residential landowners to expect an untouched buffer be left on those adjacent agricultural or forest lands. I can cite numerous cases where this dissonant juxtaposition of land uses creates inevitable political pressure to restrict use of forest lands. Taking action to avoid these conflicts, by putting the onus for the buffer on the developer, is an emerging trend in local land use regulation in Washington State. I urge you to provide for such an approach and would be happy to work with you to suggest specific language.

In all aspects of your efforts at gorge protection, providing as much certainty as possible in the legislation will help speed resolution of conflicting views and acceptance by all parties. The creation of the special management areas is a good example of providing certainty that scenic values will be protected. Large forest landowners in the special management areas, including the state, also need certainty that their lands will be acquired through exchange, in a timely and fair manner. It is particularly important that state trust lands be treated in essentially the same manner as industrial forest lands, as intended in S 2055.

As part of this certainty, federal lands specified for exchange must be identified as precisely as possible either in the bill or as an explicit part of the legislative process, as was the case in the legislation for the Mt. St. Helens National Monument. The federal government must assume all the administrative costs of the exchanges. There also must be an explicit deadline for the federal government to complete these required exchanges, and not allow agencies to tie up the exchanges during the lengthy planning process. An exemption from procedural requirements of the National Envoronmental Policy Act is appropriate and necessary for specific exchange lands, given the overall public interest served by passage of the legislation as a whole. My agency is prepared to move quickly to work with the forest service or others to lock in the exchange provisions. I urge your attention to ensure equal promptness by the federal agencies.

Finally, I look forward to joining with other state and local officials and the interested parties in working with you to accomplish our mutual goal of gorge protection.

Thank you.

Senator WALLOP. Mr. McCraney, if you would indulge me, I have just one question I would like to ask Commissioner Boyle. We are going to sort of triple-team the crowd today in the management of the chairing of this hearing, and I have to go give a statement on the floor.

Mr. Boyle, I am struck by one thing. Do you consider that any additional water rights are created by this legislation? There is a savings' clause for virtually everything in here but for water. We wonder if minimum stream flows or other kinds of water rights are contemplated as being created within this legislation.

Mr. BOYLE. Frankly, Mr. Chairman, I had not even thought of it. Other than that, I think the issue came up once and we felt that they were not created, and that was protected by the savings' clauses, but I would have to defer to either Senator Evans' staff, or Senator Evans himself. I do not know the answer to the question.

Senator WALLOP. I think the State had better look at it in addition. That is no comment on the Senators, but it is the obligation of the States through their own water authorities to make certain that the water rights that they presently have and wish to keep are protected in that way. Or if they are creating another right by implication in here, that they are fully aware of it. We will ask the question of both States, but I just wondered if you had contemplated anything at all about that.

Mr. BOYLE. I guess in reading the bill I had assumed that the FERC exemptions and this kind of thing were taking care of the water rights' question. I would have to look at it more carefully.

Senator WALLOP. It may take care of power rights, but at least in Wyoming it would be an issue of some concern.

Mr. BOYLE. It certainly is in the State of Washington also, and I am just unable to totally answer your question at this point.

Senator WALLOP. You might have a look at that.

I am going to ask Senator Evans, if he would, to now take over the Chair. Thank you.

Senator EVANS [presiding]. Thank you, Mr. Chairman.

Let us proceed with Mr. McCraney's testimony, and then I have a question or two for both of you. Go ahead, Mr. McCraney.

STATEMENT OF HON. BOOTH GARDNER, GOVERNOR, STATE OF WASHINGTON, AS PRESENTED BY DAVID L. McCRANEY, ASSISTANT TO THE GOVERNOR, OLYMPIA, WA

Mr. McCRANEY. Thank you, Senator.

Thank you for providing me this opportunity to present Governor Gardner's statement in support of this legislation creating the Columbia Gorge National Scenic Area.

As I start, I would like to just echo very strongly Governor Atiyeh's comments and gratitudes to the Senators from the two States who have worked long and hard, and whose staffs have worked long and hard on this legislation. I think we are awfully close, and we would like at this point to give some appreciation for that work.

The Columbia River Gorge and its tributary rivers are a nationally significant resource that has been entrusted to us for protection. The gorge is a unique and complex area that boasts outstanding natural, scenic, recreation, and cultural wonders; helps meet local, regional, national, and worldwide transportation, energy, forest products, and agricultural needs and offers thousands of people the unique opportunity to live and work within its grandeur.

The debate over how we can best preserve the gorge, protect the interests of area residents, and help revitalize the region's depressed economy has gone on for years. Exactly 1 year ago the participants in a series of Senate-sponsored workshops held in the gorge were shown copies of gorge protection legislation that had been introduced in Congress in 1916, 70 years ago.

Despite the long debate, we have not resolved the gorge management issue and protection of the natural, human, and recreation resources of the Columbia River Gorge remains one of the most important issues facing the Northwest.

Over the past year, the Oregon and Washington congressional delegations have worked long and hard, through a sometimes difficult process, to craft a sound, fair legislative agreement to resolve the complex issues surrounding the Columbia River Gorge. The framework for such an agreement is at hand within the legislation being considered by the committee today. The time to complete the details of that framework and enact sound gorge legislation has arrived.

If legislation does not pass, everyone will lose. Resources will be further degraded by the inevitable forces of incremental development, the depressed condition of local economies will continue, and people's lives will be clouded by the uncertainties of how or whether gorge legislation will impact their day-to-day existence.

There are a number of critical elements that need to be included or refined before the job of creating the Columbia River Gorge National Scenic Area is completed. I will touch only briefly on these points and then provide additional written comments and suggestions for your further consideration.

First of all in the area of planning: There should be a single coordinated, comprehensive and comprehensible management plan for the area.

In the area of rivers: The key Washington tributaries of the Columbia that flow through the gorge need to be protected.

Interim management and enforcement: The resources of the gorge need to be protected between the passage of legislation, completion of the planning process, and implementation of long-term management mechanisms. The enforcement of standards and regulations designed to manage and protect gorge resources should not be discretionary. Federal, State, and local agencies should manage their programs and activities in a manner that is consistent with the purposes of the national scenic area.

In the area of economic development: Natural and scenic resources protection coupled with appropriate economic assistance mechanisms can be a tremendous economic development tool. Economic activities consistent with the special values of the gorge should be encouraged in developed areas.

The national scenic area should be funded at the full level of $40 million.

The urban areas within the gorge are an important element of the overall gorge landscape. Mechanisms should be developed to help urban developments proceed in a manner that is compatible with the overall values of the national scenic area.

There remain a number of complex, controversial, and emotional issues surrounding the future of the Columbia River Gorge. The resolution of these issues will require further dedication, continued cooperation, and just plain hard work.

Governor Gardner remains committed to working with you to succeed in the essential effort to secure timely passage of this legislation that is so essential to the effort to protect the unique natural, economic, and community values of the Columbia River Gorge.

Thank you for your thoughtful consideration of these comments.

[The prepared statement of Governor Gardner follows:]

STATEMENT OF BOOTH GARDNER, GOVERNOR
STATE OF WASHINGTON

TO THE
SENATE COMMITTEE ON ENERGY NATURAL RESOURCES

JUNE 17, 1986
WASHINGTON, D.C.

Presented by Mr. David L. McCraney, Assistant to the Governor

Mr. Chairman and Members of the Committee.

Thank you for providing me the opportunity to present Governor Gardner's statement in support of legislation creating the Columbia Gorge National Scenic Area.

The Columbia River Gorge and its tributary rivers are a nationally significant resource that has been entrusted to us for protection. The gorge is a unique and complex area that boasts outstanding natural, scenic, recreation and cultural wonders; helps meet local, regional, national and worldwide transportation, energy, forest products and agricultural needs and offers thousands of people the unique opportunity to live and work within its grandeur.

It is our responsibility to manage the gorge wisely, so its vast and varied resources will be available for the enjoyment and use of present and future generations.

The debate over how we can best preserve the gorge, protect the interests of area residents and help revitalize the region's depressed economy has gone on for years. Exactly one year ago, the participants in a series of Senate sponsored workshops held in the gorge were shown copies of gorge protection legislation that had been introduced in Congress in 1916, seventy years ago.

Despite the long debate we have not resolved the gorge management issue and, protection of the natural, human and recreation resources of the Columbia River Gorge remains one of the most important issues facing the Northwest.

Over the past year, the Oregon and Washington Congressional delegations have worked long and hard, through a sometimes difficult process to craft a sound, fair legislative agreement to resolve the complex issues surrounding the Columbia River Gorge. The framework for such an agreement is at hand within the legislation being considered by the committee today. The time to complete the details of that framework and enact sound gorge legislation has arrived. Let's not become the generation of leaders that failed to grasp this critical opportunity.

If legislation does not pass, everyone will lose. Resources will be further degraded by the inevitable forces of incremental development, the depressed condition of local economies will continue and people's lives will be clouded by the uncertainties of how or whether gorge legislation will impact their day-to-day existence. I urge you to make creation of the Columbia Gorge National Scenic Area an urgent legislative priority for the remainder of this Congress.

There are a number of critical elements that need to be included or refined before the job of creating the Columbia Gorge National Scenic Area is complete. I will touch only briefly on these points and provide additional written comments and suggestions for your further consideration.

Planning: There should be a single, coordinated, comprehensive and comprehensible management plan for the area.

Rivers: The key Washington tributaries of the Columbia that flow through the gorge need protection.

Interim Management and Enforcement: The resources of the gorge need to be protected between the passage of legislation, completion of the planning process and implementation of long-term management mechanisms. The enforcement of standards and regulations designed to manage and protect gorge resources should not be discretionary. Federal, state and local agencies should manage their programs and activities in a manner consistent with the purposes of the National Scenic Area.

Economic Development: Natural and scenic resources protection coupled with appropriate economic assistance mechanisms, can be a tremendous economic development tool. Economic activities, consistent with the special values of the gorge, should be encouraged in developed areas.

Funding: The National Scenic Area should be funded at the full level of 40 million dollars. The state of Washington requests that an amount not to exceed $468,000 be authorized and appropriated for the acquisition of the critical 230 acre Doetsch Ranch property adjacent to Beacon Rock State Park. The state is committed to providing an equal amount of money to provide access and appropriate park developments at the site.

Because so much of the burden for the success of this effort rests with state and local entities, it will be important to make resources available by providing adequate, long-term funding through the Land and Water Conservation Fund.

Urban Areas: Urban areas are an important element of the overall gorge landscape. Mechanisms should be developed to help urban developments proceed in a manner that is compatible with the overall values of the national scenic area.

There remain a number of complex, controversial and emotional issues surrounding the future of the Columbia River Gorge. The resolution of these issues will require further dedication, continued cooperation and hard work.

Governor Gardner remains committed to working with you to succeed in the essential effort to secure timely passage of this legislation that is so essential to the effort to protect the unique natural, economic and community values of the Columbia River Gorge.

I thank you for your thoughtful consideration of these comments.

Senator EVANS. Thank you, Mr. McCraney.

First, Commissioner Boyle, you asked for prompt trade of lands within the special management areas, those lands that are now under control of the Washington Department of Natural Resources. Unless those are made, even if we pass legislation, are you going to be faced with the difficult proposition that those are trustlands and, under the trust. I understand under current court decisions, you are obliged to manage those pretty much for maximum revenue, are you not?

Mr. BOYLE. That is correct. Yes, Senator.

Senator EVANS. If there is not prompt trade, you may be pushed to a problem at some point of having to live up to the trust relationship that you have in the court decisions which might be in opposition to what we are trying to achieve in those special management areas

Mr. BOYLE. The way we choose to define the trust responsibility, Senator, is that the State of Washington's trust lands should be treated exactly the way that privately owned forested lands should be in the gorge. We feel we have some latitude as a trust administrator to manage to protect the scenic and environmental character, of course, because we are also managing for future as well as present trustees' benefits. But that does not go to the point that we would be able to allow the trust lands to be managed in the same way, for example, that the Forest Service would eventually manage its lands in a special management area.

So the exchange provision is as important to us as a State, and is as legally binding on us as a State as it would be for any private owner.

Senator EVANS. Mr. McCraney, I have potentially a number of questions, but what would be most important is if the State could translate the various themes that you have set forth in your testimony into proposed alternatives or amendments to 2055, if they do translate into amendments. That would be helpful if you could submit those for the record.

Mr. MCCRANEY. I would be happy to.

[The information follows:]

STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

July 10, 1986

The Honorable Malcom Wallop
Chairman
U. S. Senate Subcommittee
Public Lands, Reserved Water and Resources
360 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Senator Wallop:

The attached report contains my comments and specific recommendations for amendments to S.2055, the Columbia Gorge National Scenic Area Act.

I want to thank you for devoting the resources of your subcommittee to this legislation and hope that we can continue the significant progress that was made as a direct result of your June 17, 1986 hearing.

Over the past year the Oregon and Washington Congressional delegations have worked long and hard to craft a sound, fair legislative agreement to resolve the complex issues surrounding the Columbia River Gorge. I believe such an agreement is at hand within the framework of S.2055 and that time has come to move forward with the completion and timely passage of this legislation.

If effective Gorge legislation does not pass soon, everyone will lose. Resources will be further degraded by the inevitable forces of incremental residential development, the depressed nature of local economies will continue and people's lives will remain clouded by the uncertainties of how or whether Gorge legislation will impact their day-to-day lives. I urge you and your subcommittee to continue and conclude the important effort to enact the Columbia Gorge National Scenic Area Act.

Sincerely,

Booth Gardner
Governor

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PROPOSED AMENDMENTS TO S.2055

Offered by
Booth Gardner, Governor - State of Washington

July 11, 1986

INTRODUCTION

This report suggests amendments to S.2055, the Columbia Gorge National Scenic Area Act. In order to assist consideration of this material, the suggested amendments are presented within the framework of similar amendments offered by the Oregon and Washington Columbia River Gorge Commissions in their report of July 2, 1986. The modifications or additions to the Commission's report are underlined.

SECTION 1 - Short Title and Table of Contents

A. Page 1 - Revise the table of contents to read:

Sec. 1. Short title and table of contents
Sec. 2. Definitions
Sec. 3. Findings of purposes
Sec. 4. Establishment of the scenic area
Sec. 5. The Columbia Gorge Commission
Sec. 6. Scenic area management plan
Sec. 7. Adoption of implementing measures
Sec. 8. Public involvement and participation
Sec. 9. Land acquisition
Sec. 10. Interim management
Sec. 11. Columbia Gorge Development Council and fund
Sec. 12. Old Columbia River Highway
Sec. 13. Tributary rivers and streams
Sec. 14. Enforcements
Sec. 15. Authorization of appropriations
Sec. 16. Savings provisions
Sec. 17. Severability

SECTION 2 - Definitions

A. Page 2, lines 3 through 5 - Revise the definition of agricultural lands to read:

(a) 'Agricultural lands' means lands used for the production or related small scale processing of crops, fruits, or other agricultural products or for the sustenance of livestock.

B. Page 2, lines 16 through 19 - Revise the definition of development corporation to read:

(e) 'Development Council' or 'Council' means Columbia Gorge Development Council established pursuant to section 11 of this Act.

C. Page 3, lines 1 through 3 - Revise the definition of forest land to read:

(f) 'forest lands' means commercial and non-commercial forest lands and lands used for the production of forest products.

D. Page 3, lines 4 through 12 - Revise the definition of implementation measures to read:

(g) 'implementation measures' means land use and resource management plans, policies, programs and regulations adopted pursuant to section 7 of this Act.

E. Page 3, lines 13 through 17 - Revise the definition of major development actions to read:

(h) 'major development actions' means --

(1) subdivisions, partitions short plats, or other methods of dividing real property;

(2) permits for the siting, development, or construction of residential, commercial, and industrial facilities; mineral and rock extraction operations; and public, transportation, communication and utility facilities.

F. Page 3, lines 23 and 24 - Revise the definition of natural areas to read:

(k) 'Natural Areas' means areas which are in a predominately undeveloped state.

G. Page 4, lines 8 through 14 - Revise the definition of private forest land owner to read:

(n) 'Private Forest Land Owner' means any owner of a forest land parcel at least forty acres in size within a Special Management Area.

H. Page 5, lines 1 and 2 - Revise the definition of unimproved forest lands to read:

(s) 'unimproved forest lands' means any parcel of land on which no residence or other major structure exists.

SECTION 3 - Findings and Purposes

A. Page 6, lines 8 through 11 - Revise to read:

(7) The remaining segments of the old Columbia River Highway between Troutdale and The Dalles, Oregon are of national significance.

B. Page 6, line 17 - Strike the words 'must be assured' and replace them with 'should not be jeopardized'.

C. Page 6, line 19 delete the word, 'and' and following the word 'trails' insert the words, 'and access to the Columbia River'.

D. Page 7, lines 1 through 4 - Revise to read:

(11) The tributary streams of the Columbia River within the Columbia River Gorge contain important wildlife, fisheries, recreation and cultural resources which are of benefit to the Pacific Northwest and the Nation.

E. Page 7, line 11 - Strike the word 'Federal'.
Page 7, line 14 - Strike the word 'and'.
Page 7 - Add the words 'and recreation' at the end of line 15.

F. Page 8, line 9 - Strike the word 'would' and replace it with 'should'.

G. Page 10, line 10 - Insert the words, 'and access to' following the word 'of'.

SECTION 4 - Establishment of the Scenic Area

A. Page 11, line 17 - Strike the word 'Catherine' and replace it with 'Major'.

B. Page 11 - Add the following sentence at the end of line 24.

'The boundaries of the Special Management Areas may be revised pursuant to the provisions of this section.'

C. Page 12, line 1 - Add the following new subsection (c) and renumber the remaining subsections accordingly:

(c) REVISION OF SPECIAL MANAGEMENT AREA BOUNDARIES -- Based on the critical lands criteria and resource inventory developed pursuant to section 6 of this Act, the Secretary in consultation with the Commission may revise the boundaries of the Special Management Areas. Such revisions shall not result in a change in the total acreage of Special Management Areas established at the date of enactment of this Act.

D. Page 12, line 1 - Strike the word 'and' and add the words 'and communities' following the word 'towns'.

E. Page 12, line 14 - Insert the words 'or city' following the word 'county'.
Page 12, line 16 - Add the words 'to include additional lands outside of Special Management Areas' following the word 'Act'.

F. Page 13, line 9 - Add the words 'or have significant adverse impact on scenic, natural, recreational, or cultural values' following the word 'Areas'.

SECTION 5 - The Columbia Gorge Commission

A. Page 15, line 17 - Strike the reference to subsection (a)(2) and replace it with a reference to subsections (a)(1)(C)(ii) and (iii).

B. Page 17, line 14 - Strike the word 'or'.
Page 17, line 19 - Insert the word 'or' at the end of line 19 and add the following:

(D) the Commission fails to substantially fulfill its responsibilities assigned in this Act.

C. Page 19 - Strike lines 6 through 9.

SECTION 6 - Adoption of the Scenic Area Management Plan

A. Page 19, line 10 - Revise the title of this section to read:

Sec. 6 SCENIC AREA MANAGEMENT PLAN.

B. Page 19, line 11 - Add the following new subsection (a) and renumber remaining subsections accordingly:

(a) PREPARATION OF THE MANAGEMENT PLAN -- The Secretary and the Commission shall cooperatively prepare a single management plan for the Scenic Area in order to accomplish the purposes of this Act. The Secretary and Commission shall utilize uniform data, standards, criteria and their applications and seek technical and planning assistance from other agencies with special experience and expertise in preparation of the management plan. The Secretary's plan for the acquisition of non-federal lands, or interests therein, within the Special Management Areas and the Commission's plan for the acquisition of lands, or interests therein, in the Scenic Area shall be included in the management plan. The management plan shall be prepared in accordance with this section and the provisions for public involvement contained in section 8 of this Act.

C. Page 19, lines 11 through 16 - Strike the two sentences beginning with the words 'Within two years...' and ending with the words '...from each state.'

D. Page 19, line 19 - Strike the words 'enactment of this Act' and replace them with 'establishment of the Commission'.
Page 19, line 22 - Strike the word 'all'.

E. Page 20, line 1 - Add the following subsection (2) and renumber the remaining subsections accordingly:

(2) CRITICAL AND SENSITIVE LANDS --

(A) The Secretary and Commission shall jointly develop criteria for the identification of critical and sensitive lands throughout the scenic area. Critical lands shall include significant scenic, natural, historical, cultural and archaeological features, recreation resources and landmarks. Sensitive lands shall include those areas important for the retention of the region's overall scenic and natural character.

(B) Based on the results of the resource inventory prepared pursuant to subsection (b)(1) and the criteria developed pursuant to subsection (b)(2)(A), the Secretary and Commission shall identify and map critical and sensitive lands. Such designations shall be used to guide in the application of land use designations and standards and as a basis for revisions to Special Management Area boundaries provided for in subsection (c) of section 4 of this Act.

F. Page 20 - Delete lines 1 through 13 and add:

(3) LAND USE DESIGNATIONS, STANDARDS, AND GUIDELINES -- Based on the resource inventory developed pursuant to subsection (b)(1), the critical and sensitive lands identification accomplished pursuant to subsection (a)(3) and the standards established in subsection (c) of this section, the Commission and Secretary shall jointly develop general land use classification designations and detailed standards and guidelines for specific land and resource uses. The land use designations, standards and guidelines --

(A) Shall be applied to all non-federal lands by the Commission. Application of land use designations, standards and guidelines to non-federal lands within the Special Management Areas shall be done by the Commission with the concurrence of the Secretary and shall not interfere with or detract from the Secretary's plans for acquisition and management of federal lands.

(B) Shall be applied by the Secretary to federal lands.

(C) Shall not apply within the Urban Areas established in section 4(d) of this Act.

G. Page 20 - Delete lines 14 through 23 and insert:

(4) PROCEDURES FOR THE ADOPTION OF IMPLEMENTING MEASURES -- Implementation measures shall include all local, state and federal land use or resource management plans, programs, policies or regulations which apply within the Scenic Area. The Commission shall develop procedures for the preparation and approval of implementing measures for non-federal land use and resource management actions. The Secretary shall prepare procedures for the preparation and approval of implementing measures for federal land use and resource management actions. These procedures shall be consistent with the provisions of section 7 of this Act.

H. Page 21, line 10 - Strike the words 'boat launch facilities'.
Page 21, line 11 - Insert the words 'and operated' following the word 'constructed'.

I. Page 21 - Insert the following subsection (6) after line 12:

(6) COOPERATIVE LAND ACQUISITION PLAN -- The Secretary shall in consultation with the Commission develop a plan for the acquisition of non-federal lands and interests in lands within the Special Management Areas. The plan shall also include lands to be acquired outside Special Management Areas for the public use facilities identified in the recreation plan described in subsection (b)(5) of this section. The Secretary shall give preference to acquisition of less than fee interests in lands. Full fee acquisition should only be used when less than fee methods are unable to accomplish management objectives. The Commission shall in consultation with the Secretary prepare a plan for the acquisition of land or interests in lands outside of Special Management Areas and Urban Areas.

J. Page 21, line 14 - Strike the words 'include provisions which are' and substitute the word 'be'.

K. Page 21 - Insert the following sentence after line 22:

'The management plan shall discourage conversion of agricultural lands to uses not expressly permitted in this subsection.'

L. Page 22, line 6 - Insert the following sentence after the word 'supply':

'The management plan shall discourage the conversion of forest lands to uses not expressly permitted in this subsection.'

M. Page 22 - Delete lines 7 through 17 and insert:

(A) The management plan shall provide for the protection and enhancement of open spaces, scenic, recreation, cultural and historic areas, and natural resources, including:

(i) fish, wildlife, and native plant habitat;

(ii) ecologically and scientifically significant natural areas;

(iii) outstanding views and sites;

(iv) water areas and wetlands;

(v) cultural and historic areas, sites, structures and objects;

(vi) potential and existing recreation resources; and

(vii) approved Federal wild and scenic waterways and State scenic waterways.

(B) The management plan shall designate lands suitable or necessary for the protection and enhancement of open space, scenic, recreation, cultural and historic areas and natural resources.

N. Page 22 - Delete lines 24 and 25.
Page 23 - Delete lines 1 through 13 and insert the following subsection:

(5) COMMERCIAL AND INDUSTRIAL DEVELOPMENT -- The management plan shall require new industrial development to take place in Urban Areas. The management plan shall require new commercial development to take place in Urban Areas except --

(A) Within the existing communities of Prindle, Skamania, Underwood, Home Valley, Dodson, Warrendale, Bridal Veil, Corbett and Rowena if new commercial development will not have a significant adverse impact on the scenic, natural, cultural and recreation values of the Gorge;

(B) Outside Urban areas and the above listed communities, if a need for such a location can be demonstrated and if the development will have no adverse impact on scenic, natural, cultural and recreational values.

O. Page 23 - Delete lines 14 through 23 and insert the following:

(6) RESIDENTIAL DEVELOPMENT --

(A) The management plan shall direct medium and high density residential development into Urban Areas.

(B) In Special Management Areas, further subdivision or partioning of land for residential purposes shall be prohibited. New single family residential construction may be permitted on lots of record at the date of enactment of this Act provided that such development will have no adverse impact on scenic, natural, cultural and recreational values.

(C) In the scenic area outside Special Management Areas and Urban Areas, the management plan shall allow residential development actions if such actions will have no significant adverse impact on scenic, natural, cultural and recreation values.

P. Page 23 - Delete lines 24 and 25.
Page 24 - Delete lines 1 through 12 and insert the following subsection:

(7) EXTRACTIVE RESOURCES --

(A) The management plan shall designate areas for the extraction of mineral resources outside the Special Management Areas, consistent with the purposes of the Act. Surface mining on lands within the Special Management Areas shall be prohibited.

(B) Surface Mining outside the Special Management Areas shall be permitted only if such operations do not have a significant adverse impact on the scenic, cultural, recreational, and natural values of the Scenic Area. Such operations shall be subject to approved reclamation plans.

Q. Page 24 - Delete lines 13 through 25.
Page 25 - Delete lines 1 through 5 and insert the following subsection:

(8) TRANSPORTATION, COMMUNICATION, ENERGY PRODUCTION, AND UTILITY FACILITIES --

(A) In Special Management Areas new transportation, communication, energy production, and utility facilities shall be permitted if they will have no adverse impact on scenic, natural, cultural, and recreation values. The management plan shall prescribe standards to minimize adverse impacts from existing facilities.

(B) Outside of the Special Management Areas and Urban Areas new transportation, communication, energy production and utility facilities shall be permitted if they will have no significant adverse impact on scenic, natural, cultural and recreation values. The management plan shall prescribe standards to minimize adverse impacts from existing facilities.

R. Page 25, line 6 - Strike the words 'AND PUBLIC INVOLVEMENT' from the title of subsection (c).
Page 25, lines 10 through 12 - Strike the sentence beginning with the words 'The Secretary...'.

S. Page 25, Insert the following subsection after line 12 and renumber the remaining subsections accordingly:

(d) ADOPTION OF THE MANAGEMENT PLAN BY THE COMMISSION - The Secretary and Commission shall complete a draft management plan and conduct public meetings or hearings on the draft plan within two and a half years of the establishment of the Commission. Within 60 days following the last public hearing or meeting, the Commission shall adopt the management plan by a majority vote of the members appointed from each state.

T. Page 26, line 7 - Strike the words 'two-thirds of its membership' and substitute the words 'a majority of the membership appointed from each state plus one vote by a member from either state'.

U. Page 26, line 10 - Add the words 'and consistent with the purposes of the Act' following the word 'section'.
Page 26, line 13 - Strike the word 'revise' and insert the words 'review, and if necessary, revise'.

V. Page 26 - Insert the following new subsection after line 22:

(g) In the event the Commission fails to adopt a management plan within two years and eight months after establishment of the Commission pursuant to provisions of this section, the Secretary shall prepare and implement the plan. The management plan prepared by the Secretary shall be consistent with the provisions of this section and the purposes of the Act. If the Commission subsequently adopts a management plan consistent with the standards in this section and the purposes of this Act, such management plan shall supersede the management plan prepared by the Secretary.

SECTION 7 - Adoption of Scenic Area Zoning Ordinances

A. Page 26 - Delete lines 24 and 25.
Page 27 - Delete lines 1 through 25.
Page 28 - Delete lines 1 through 22.

B. Page 28, line 22 - Insert the following new section:

SEC. 7. ADOPTION OF IMPLEMENTING MEASURES

(a) COUNTY LAND USE PLANS, POLICIES, AND ORDINANCES

(1) Within sixty days of receipt of the final management plan, each county shall submit to the Commission a letter stating that it proposes to complete land use plans, policies and ordinances consistent with the management plan. If any county fails to submit such letter or fails to adopt land use plans, policies and ordinances as provided in subsection (2) of this section, the Commission shall carry out the requirements of subsection (3) of this section.

(2) (A) Within one year of receipt of the final management plan or revisions thereto from the Commission, each county shall develop or revise land use plans, policies and ordinances to be consistent with the management plan and the purposes of the Act.

(B) Each county upon approval of land use plans, policies and ordinances shall promptly submit such plans, policies and ordinances to the Commission.

(C) The Commission shall, within ninety days after receipt of the land use plans, policies and ordinances therefrom, approve the same unless it determines that they are inconsistent with the management plan and the purposes of the Act.

(D) If approval is denied, the Commission shall state the reasons for finding the land use plans, policies and ordinances inconsistent with the management plan or Act, and shall submit to the county suggested modifications to eliminate the inconsistencies.

(E) Each county shall have ninety days after it receives recommendations from the Commission to make modifications designed to eliminate the inconsistencies and to resubmit the land use plans, policies and ordinances to the Commission for approval. Any resubmitted land use plans, policies and ordinances shall become effective upon approval by the Commission.

(F) In the event a county has not complied with the requirements of this section, it may thereafter upon written notice to the Commission elect to adopt land use plans, policies and ordinances, in which event it shall comply with the provisions of this section for adoption of such measures. Upon approval of land use plans, policies and ordinances by the Commission, the regulations shall supersede any regulations for the county developed by the Commission subject to valid existing rights.

(3) In the event a county fails to comply with the provisions of this section, the Commission shall make and publish regulations setting standards for the use of non-federal lands within the boundaries of the National Scenic Area, excluding Urban Areas identified in section 4(d) of this Act. The regulations shall have the object of assuring that the use of such non-federal land is consistent with the management plan and the purposes of the Act. The regulations may differ among the several parcels of land within the boundaries of the Scenic Area. The regulations may from time to time be amended by the Commission.

(4) Upon adoption of any revision or variance to a land use plan, policy or ordinance approved by the Commission, the county shall promptly submit such revisions or variances to the Commission for approval in accordance with the provisions of subsection (2) of this section.

(b) URBAN AREA PLANS, ORDINANCES AND MAJOR DEVELOPMENT ACTIONS -- Counties and Cities shall promptly advise the Commission of significant revisions to land use plans, policies and ordinances proposed for Urban Areas and of major development actions proposed for Urban Areas. The Commission shall review and comment on such actions. Commission comments and recommendations shall be advisory in nature and shall identify measures to protect or enhance scenic, natural, cultural and recreation values.

(c) STATE AGENCY PLANS AND PROGRAMS --

(1) No department or agency of the states of Oregon or Washington may undertake or assist any project, adopt any program or grant any license, permit or other form of approval for any project or action affecting land use or resource values within the area unless the Commission determines that the project is consistent with the purposes of this Act and with the management plan or the interim guidelines, or that such project is essential for the protection of public health or safety.

(2) Except as may otherwise be provided in the interim guidelines or the management plan, subsection (c)(1) shall not apply to --

(A) Any temporary structure to be used only for emergency humanitarian assistance;

(B) Any construction, reconstruction, or modification that commenced before the date of the enactment of this Act; or

(C) Any repair or reconstruction of a building or facility the original construction of which commenced before such date of enactment.

(3) Construction, reconstruction, or modification shall be treated as commencing only when there is either --

(A) A continuous program of physical onsite construction, reconstruction or modification, or

(B) The owner of the building or facility has entered into binding agreements or contractual obligations for such construction, reconstruction, or modification which cannot be cancelled or modified without substantial loss to the owner.

(4) Not less than sixty days prior to undertaking or assisting a project, adopting any program or granting any license, permit or other form of approval for any project or action which will affect land use or resource values within the area, the department or agency proposing to take such action shall notify the Commission of its proposal. The Commission shall, after notice and opportunity for public comment, make a determination respecting the consistency of the activity described in subsection (c)(1) with the purposes of this Act and with the management plan or interim guidelines and standards. When the Commission determines that any activity is consistent or inconsistent with the purposes of this section or with the plan, it shall notify the agency proposing to undertake, assist, license or approve the activity. No activity shall proceed without Commission approval.

(d) Federal actions --

(1) No department, agency or instrument of the United States may undertake or assist any project, adopt any program or grant any license, permit or other form of approval for any project affecting land use or resource values within the area unless the Secretary, in consultation with the Commission, determines that the project is consistent with the purposes of this Act and with the management plan or the interim guidelines, or that such project is essential for national security or defense.

(2) As used in paragraph (d)(1), the term 'assist' includes --

(A) The sale of any flood insurance under the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.);

(B) Any assistance provided by a department, agency or instrumentality of the United States to a State or local government where such State or local government uses such assistance for purposes of a project described in paragraph (1); and

(C) Any grant, loan, loan guarantee, or any other form of direct or indirect technical or financial assistance.

(3) Except as may otherwise be provided in the interim guidelines or the management plan, subsection (d)(1) shall not apply to --

(A) Any building or facility to be used for any military purpose;

(B) Any temporary structure to be used only for emergency humanitarian assistance;

(C) Any construction, reconstruction, or modification that commenced before the date of the enactment of this Act; or

(D) Any repair or reconstruction of a building or facility the original construction of which commenced before such date of enactment.

(4) Construction, reconstruction, or modification shall be treated as commencing only when there is either --

(A) A continuous program of physical onsite construction, reconstruction, or modification, or

(B) The owner of the building or facility has entered into binding agreements or contractual obligations for such construction, reconstruction, or modification which cannot be cancelled or modified without substantial loss to the owner.

(5) Not less than sixty days prior to undertaking or assisting a project, adopting any program or granting any license, permit or other form of approval for any project or action which will affect land use or resource values within the area, the department or agency proposing to take such action shall notify the Secretary of its proposal. The Secretary shall, after notice and opportunity for public comment, make a determination respecting the consistency of the activity described in subsection (d)(1) with the purposes of this Act and with the management plan or interim guidelines and standards. When the Secretary determines that any activity is consistent or inconsistent with the purposes of this section or with the plan, it shall notify the agency proposing to undertake, assist, license or approve the activity. No activity shall proceed without the approval of the Secretary.

(e) ASSISTANCE TO COUNTIES -- The Secretary shall provide technical assistance and grants to counties for the development of implementation measures and revisions thereof: Provided, that such grants shall not exceed 75 per centum of the cost of developing or revising the implementation measures and shall be made only upon application of the Commission, on behalf of the county: Provided further, that in the event a county fails to obtain approval of implementation measures or revisions thereof within three years after the date funds are first provided under this subsection for the development or revision of implementation measures, the Secretary shall terminate all Federal assistance for any participation in the development or revision of such implementation measures, and may obtain reimbursement or offset from the county of all Federal funds granted under this subsection.

(f) PAYMENTS TO COUNTIES --

(1) Notwithstanding the provisions of the Act of May 23, 1908 (c. 192, 35 Stat. 251, as amended; 16 U.S.C. 500), and of section 13 of the Act of March 1, 1911 (c. 186, 36 Stat. 961, as amended; 16 U.S.C. 500), the amount which is paid under such provisions to the State of Oregon with respect to the Gates of the Columbia Gorge Special Management Area, Mt. Hood National Forest, and to the State of Washington with respect to the Special Management Areas within the Gifford Pinchot National Forest, shall be expended for the benefit of any public purpose of any county which has adopted implementation measures pursuant to this Act.

(2) Subsection (f)(1) of this section shall not apply --

(A) To any amount paid by the Secretary of the Treasury under the provisions of law referred to in subsection (f)(1) at the end of any fiscal year ending before the date of enactment; or

(B) For a particular county, if the Commission determines after notice and public hearing, that such county has taken any final action or order which is inconsistent with the management plan or any regulations, guidelines or standards issued or other actions taken by the Secretary or the Commission under this Act.

(g) GRANTS TO STATE GOVERNMENTS--

(1) The Secretary is authorized to make grants to the states of Oregon and Washington, and through the states to local governments, for the acquisition and/or development for public park and recreation purposes of lands and waters and interests therein within the National Scenic Area, consistent with the management plan and the purposes of this Act.

(2) The grants authorized by subsection (g)(1) of this section shall--

(A) Be made in a manner consistent with the requirements and uses provided for in the Land and Water Conservation Fund Act (16 U.S.C. 4601-4 et seq.);

(B) Not exceed 75 percent of the total cost of all property acquired or developed by each state pursuant to this subsection;

(C) Be supplemental to any other Federal financial assistance for any other program; and

(D) Be subject to such additional terms and conditions as the Secretary may deem necessary to effectuate the purposes of this Act.

SECTION 8 - Administration of the Special Management Areas

A. Page 29 - Delete lines 1 through 26.
Page 30 - Delete lines 1 through 25.
Page 31 - Delete lines 1 through 25.
Page 32 - Delete lines 1 through 24.
Page 33 - Delete lines 1 through 15.
Provisions of Section 8 have been incorporated in the provisions of Section 6 and 7.

B. Page 33 - Insert the following new section after line 15.

Sec. 8. PUBLIC INVOLVEMENT AND PARTICIPATION -- The Secretary and Commission shall jointly prepare and adopt a public information and involvement program which shall --

(a) Provide for public involvement and participation in all phases of the development and subsequent revision of the management plan;

(b) Provide for the involvement of a broad cross-section of affected citizens representing a balance of interests and geographic areas;

(c) Ensure that technical planning and resource information is easily available to the public and is provided in a timely and readily understandable form;

(d) Utilize citizen advisory committees and hearings and general informational meetings to explain the planning process and solicit public comment; and

(e) Acknowledge recommendations from citizen involvement and clearly document on the record the rationale used in reaching major policy decisions.

SECTION 9 - Land Acquisition

A. Page 33 - Delete lines 17 through 20 and renumber remaining subsections accordingly.

B. Page 34, line 2 - Insert the following after the words '...of this Act.':

'Fee title acquisition of land should be limited to instances where less-than-fee acquisition methods are unable to meet management objectives or the purposes of the Act.'

C. Page 34, line 10 - Insert the following after the words '...Federal Register.':

'Outside the Special Management Areas and Urban Areas, the Secretary is authorized when requested by the Commission to acquire less-than-fee interests in lands including scenic and conservation easements and development rights. The Secretary in consultation with the Commission shall develop interim standards to guide acquisition prior to the adoption of the acquisition plan described in section 6 of this Act.'

D. Page 34, line 11 - Strike the words 'subsection (a)' and insert the words 'section 6 of this Act'

E. Page 34, line 14 - Strike the words 'State of Washington' and insert the words 'states of Washington or Oregon, counties'.

F. Page 35, line 7 - Strike the words 'three years after the date of enactment of this Act' and insert the words 'five years after the completion of the acquisition plan described in section 6 of this Act'.

G. Page 36, line 15 - Insert the following after the word 'property.':

'The Secretary shall have three years after the date of receiving a bona fide offer to sell a given parcel of land at fair market value to complete the acquisition of the subject parcel; Provided, that for offers made prior to the adoption of the acquisition plan described in section 6 of this Act, the three year period shall commence on the date of adoption of the acquisition plan. If the Secretary fails to complete the acquisition within the three year period, the parcel shall be excluded from the Special Management Area, unless the landowner agrees to an extension of time to complete the acquisition.'

SECTION 10 - Interim Management

A. Page 37, line 10 - Strike the words 'section 8' and insert the words 'section 6'.

B. Page 37, line 11 - Strike the words 'new residential'.

C. Page 37, lines 13 and 14 - Strike the words 'the recommendations of the governing body of a county regarding'.

D. Page 37, line 18 - Strike the words 'which would substantially impair or detract from' and insert the words 'would have an adverse impact on'.

E. Page 37, line 22 - Strike the words 'or agency' after the word 'county'.

F. Page 37 - Add the following after line 23:

(c) The Commission shall assume interim management functions of subsection (a)(2)(A) for non-federal lands within the Special Management Areas upon the adoption of interim guidelines acceptable to the Secretary.

G. Page 27, line 25 - Strike the words 'enactment of this Act' and insert the words 'establishment of the Commission'.

H. Page 38, lines 1 and 2 - Strike the words 'within the National Scenic Area, except for the Special Management Areas and' and insert the words 'on non-federal lands within the National Scenic Area except for'.

I. Page 38, line 3 - Strike the words 'section 4(c)' and insert the words '4(d)'.

J. Page 38, line 3 - Insert the following after the word 'Act':

'The Commission shall obtain the concurrence of the Secretary on interim guidelines for non-federal lands within the Special Management Areas.'

K. Page 38, line 4 - Add the words 'and affected state agencies' following the word 'county'.

L. Page 38, line 7 - Strike the words 'zoning ordinances for each county' and insert the words 'implementing measures'.

M. Page 38, line 10 - Strike the words 'section 4(c)' and insert the words 'section 4(d)'.

N. Page 38, lines 11 and 12 - Strike the words 'recommendations of the governing body of each county regarding'.

O. Page 38, lines 16 and 17 - Strike the words 'which would substantially impair or detract from' and insert the words 'would have a significant adverse impact on'.

SECTION 11 - Columbia Gorge Development Corporation

A. Page 38 - Strike lines 23 through 25.
Page 39 - Strike lines 1 through 25.
Page 40 - Strike lines 1 through 25.
Page 41 - Strike lines 1 through 25.
Page 42 - Strike lines 1 through 18.

B. Page 38, line 23 - Insert the following new section:

Sec. 11. COLUMBIA GORGE DEVELOPMENT COUNCIL AND FUND --

(a) There is established a Columbia Gorge Development Council and Fund to promote and facilitate economic development activities which are consistent with the purposes of this Act, and in doing so, to:

(1) Further the protection of the region's scenic, natural, cultural, public recreation, interpretive and historic resources;

(2) Protect, enhance and diversify the economy of Gorge communities;

(3) Recognize and promote traditional as well as new economic pursuits which are compatible with the region's scenic, natural and cultural resources;

(4) Enhance the potential for year-round tourism; and

(5) Encourage growth to occur within existing communities.

(b) (1) The Council shall consist of 12 members appointed as follows:

(A) Six members, comprised of one resident from each of the following: Multnomah County, Oregon; Hood River County, Oregon; Wasco County, Oregon; Clark County, Washington; Skamania County, Washington; and Klickitat County, Washington, to be appointed by the governing body of each of the respective counties: Provided, That in the event the governing body of a county fails to appoint a member who resides within such county, the Governor of the State in which the county is located shall appoint such member;

(B) Two members who reside in the State of Oregon and representing Gorge business or banking, to be appointed by the Governor of Oregon;

(C) Two members who reside in the State of Washington and representing Gorge business or banking, to be appointed by the Governor of Washington;

(D) One member representing Oregon state economic development programs, to be appointed by the Governor of Oregon; and

(E) One member representing Washington state economic development programs, to be appointed by the Governor of Washington.

(2) Initial appointment shall be made within 180 days of enactment of this Act.

(3) (A) Except as provided in paragraph (B) of this subsection, members shall be appointed for terms of two years. A member may be reappointed only three times unless a member was appointed to fill a vacancy pursuant to subsection (b)(3)(C) of this section, in which case a member may be reappointed four times.

(B) Of the members first appointed pursuant to subsection (b)(1) of this section, those appointed pursuant to subsection (b)(1)(A) shall be appointed to first terms of three years.

(C) Any vacancy in the Council shall be filled in the same manner in which the original appointment was made. Any member appointed to fill a vacancy shall serve for the remainder of the term for which his predecessor was appointed. Any member may serve after the expiration of his/her term for a period of not longer than thirty days.

(4) The members of the Council shall select a chairman from among themselves. The Council shall meet at least once a month at the call of the chairman or a majority of its members. Seven members of the Council shall constitute a quorum.

(5) The members of the Council shall not be deemed to be officers or employees of the United States for any purpose. The compensation of the Council members shall be fixed by state law.

(c) The Commission established pursuant to section 5 of this Act shall provide staff support as necessary to the Council. The Council is authorized to utilize economic development programs for the states of Oregon and Washington in distributing funds discussed in subsections (d) and (e) of this section.

(d) (1) The Secretary may loan funds to the Council for the purpose of establishing a low interest revolving loan fund. The loan to the Council shall have a maturity of thirty-five years. At the end of such period, the Council shall repay to the Secretary of Treasury for deposit in the general fund of the Treasury the full amount of the loan plus any additional amounts accruing to the Council pursuant to this ~~subsection~~ less those amounts expended by the Council for reasonable administrative expenses.

(2) The Council may obligate the funds received from the Secretary for loans and administrative expenses deemed reasonable by the Secretary. Loans by the Council shall be made in accordance with the following conditions:

(A) Loans must be for purposes located within the National Scenic Area boundary, described in section 4 of this Act.

(B) Loans may be made to private entities and local governmental units.

(C) Prior to loan approval, the Council shall require the prospective borrower to furnish a statement from the Commission stating that the Commission has reviewed the loan application and has determined that any loan received by the prospective borrower will be expended in a manner consistent with:

(i) The purposes of this Act;

(ii) The management plan developed pursuant to section 6 of this Act; and

(iii) Land use regulations developed pursuant to section 7 of this Act.

(D) Prior to loan approval the Council shall determine that:

(i) The borrower has sufficient financial resources to repay the obligation; and

(ii) The borrower satisfies applicable credit criteria established by the Council.

(E) Loans shall be made only for use in counties which have adopted and received Commission approval of implementation measures pursuant to this Act.

(F) As loans made under this subsection are repaid, the Council shall make additional loans from the funds repaid.

(e) (1) The Secretary may provide funds to the Council to enable it to make grants to further the purposes of this Act. The Council may use such funds to make grants to local units of government for the following purposes:

(A) To conduct economic development surveys and studies; and

(B) To develop or install public facilities and utility services which will support or encourage development consistent with the purposes of this Act.

(2) Prior to approving any grant application, the Council shall require the applicant to provide a statement from the Commission affirming that the grant purpose is consistent with:

(A) The purposes of this Act;

(B) The management plan developed pursuant to section 6 of this Act; and

(C) Land use regulations developed pursuant to section 7 of this Act.

(3) Grants must be for uses within the National Scenic Area boundary, described in section 4. Grants shall be made only for use in counties which have adopted and received Commission approval of implementation measures pursuant to this Act.

(f) (1) The Council shall make available to the Secretary, upon request, all accounts, reports, financial records and other information related to the loans and grants made pursuant to this section.

(2) To ensure that the Council has complied with the provisions of this section, the Secretary or other appropriate person or entity as the Secretary may designate, shall conduct an audit at least once every two years of all accounts, financial records and other information related to the loans and grants made pursuant to this section. If the Secretary determines after conducting a hearing on the record that the Council has substantially failed to comply with this section the Secretary may:

(A) Declare that the outstanding balance of any loans made to the Council be due and payable;

(B) Take action to recover any grant funds improperly extended.

(3) If the Council determines, after a hearing on the record, that a recipient of a grant or loan has failed to substantially comply with the provisions of its grant or loan agreement, the Council shall initiate action to recover funds extended.

SECTION 13 - Tributary Rivers and Streams

A. Page 43, line 21 - Strike the words 'substantially impair or detract from' and insert the words 'have an adverse impact on'.

B. Page 44, lines 6 and 7 - Strike the words 'substantially impair or detract from' and insert the words 'have a significant adverse impact on'.

C. Page 44, lines 12 and 13 - Strike the words 'by adding the following new subsection' and insert the words 'to authorize the study of the White Salmon, Washington from the Boundary of the Mt. Adams Wilderness Area, downstream to Buck Creek; Klickitat, Washington from the boundary of the Yakima Indian Reservation to its confluence with the Columbia and the entire length of the Wind River, including Panther Creek.'

D. Insert the following: 'The Secretary of the Interior shall, in accordance with Section 11 of the National Wild and Scenic Rivers Act, assist state, local and federal government agencies and provate landowners develop river conservation plans for the Little White Salmon River and the Washougal River, from its headwaters to the City of Washougal'. (NOTE: Governor Gardner's suggested amendments address only the gorge tributaries that lie on the Washington side of the mainstem Columbia River.)

SECTION 14 - Implementation Measures

A. Page 44 - Delete lines 18 through 25.
Page 45 - Delete lines 1 through 24.
Page 46 - Delete lines 1 through 23.
Page 47 - Delete lines 1 through 3.
Renumber the following sections accordingly. The provisions of section 14 have been incorporated into section 7.

SECTION 15 - Enforcement

A. Page 47 - Delete lines 5 through 7 and insert the following:

(a) The Commission shall; (1) monitor activities of, or permitted by, counties and state agencies, (2) determine whether such activities are in compliance with the Act and (3) take such actions as are necessary to ensure compliance.

B. Page 47, line 13 - Add the following after the word 'aside.':

'Appeals to the Commission shall be heard by an independent administrative law judge who shall make findings and recommend actions to the Commission. All appeal hearings shall be conducted pursuant to sections 554 through 557 of Title S, United States Code.'

SECTION 17 - Authorizations of Appropriations

A. Page 51 - Line 23, insert the following after (3) and renumber subsequent paragraphs accordingly:

'There is hereby authorized to be appropriated an amount not to exceed $438,000 for acquisition, by the State of Washington, of the Doetsch Ranch (estimated area 229.8 acres) and addition to the adjacent Beacon Rock State Park.'

(4) There is hereby authorized to be appropriated $85,000 for the Washougal and Little White Salmon Rivers conservation work described in section 13 of this Act.

SECTION 17 - Savings Provisions

A. Page 53 - Delete lines 1 through 7.

B. Page 53 - Delete lines 11 through 19.

COLUMBIA GORGE NATIONAL SCENIC AREA

BOOTH GARDNER, GOVERNOR

STATE OF WASHINGTON

LEGISLATIVE POLICY RECOMMENDATIONS

PLANS AND PLANNING

In order to reduce the possibility of confusing and fragmented management, there needs to be one comprehensive plan for the entire area. The legislation should, at a minimum, clearly specify that there will be a single plan; call for uniform data, standards and their applications; direct the secretary and commission to work together on all aspects of plan; seek technical and planning assistance from other agencies, such as the U.S. Department of the Interior, with special experience and expertise and include the secretary's land acquisition plan in the overall plan.

The standards for the kinds and locations of developments and uses that will be permitted and/or encouraged at places throughout the national scenic area should be specifically spelled out in the comprehensive plan. New commercial development, consistent with the values of the national scenic area, outside urban areas should occur in existing communities. Commercial development outside existing communities should be permitted only on the basis of clearly demonstrated need and compatibility with the area. Particular attention must be paid to any new development that might be contemplated in the special management areas. Buffer zones are a legitimate land planning and management tool. Neither Forest Service, commission nor local planners and managers should be precluded from using this or any other appropriate tools to carry out the purposes of gorge legislation.

The commission prepared portion of the comprehensive plan should be approved by a majority of the members from each state, a dual majority. Should the Secretary of Agriculture disapprove the commission's plan and make recommended changes, a dual majority plus one additional vote should be required for the commission to override the secretary's recommendations.

RIVERS PROTECTION

The major gorge tributaries of the Columbia River need to be examined and provided appropriate levels of protection. The program described below would achieve this essential objective.

The following Washington rivers should be studied jointly by the Departments of Agriculture and Interior under section 5(a) of the National Wild and Scenic Rivers Act. The specific boundaries of these study areas should be drawn so as to exclude existing communities.

The Klickitat from the boundary of the Yakima Indian Reservation to its confluence with the Columbia. With the concurrence of the Yakima Indian Nation, the study area could extend beyond the reservation boundary.

The White Salmon, from its origin downstream to Buck Creek.

The Little White Sallmon, from its origin to the confluence with the Columbia.

The Wind River, the entire river, including Panther Creek.

Section 11 of the National Wild and Scenic Rivers Act authorizes the National Park Service to assist state, local and federal government agencies and private groups and landowners develop river conservation plans. Gorge legislation should direct, and authorize funding for, such an effort on the Washougal River, from its headwaters to the City of Washougal.

There should be no new hydroelectric development within the boundaries of the special management areas.

INTERIM MANAGEMENT, IMPLEMENTATION AND ENFORCEMENT

The application of sound land use practices, during the time between enactment of legislation and the development of applicable standards and establishment of the commission, will be critical to the future of the Columbia River Gorge. Interim management measures should be applied to all developments and land use actions in the special management and commission managed areas. Only developments that are consistent with the purposes of gorge legislation and the values of the scenic area should be permitted during the interim management period. Outside the special management areas, the real authority for effective interim management rest with units of local government. These entities should utilize the full range of their authorities to protect the resources of the gorge until other, long-term mechanisms are in place.

Both the secretary and the commission should be required to monitor local land use activities and take action to ensure compliance with the purposes of legislation and values of the scenic area. Federal and state agencies should manage their programs and activities in a manner that is consistent and compatible with gorge legislation and scenic area values. The secretary should monitor the actions of other federal agencies and take appropriate actions. The commission should be given the same responsibilities with regard to state government agencies.

ECONOMIC DEVELOPMENT

Economic development is an important element of gorge protecion. It provides an opportunity to demonstrate that preservation and economic activity can go hand-in-hand, and is an incentive for local communities and developers to carry out their economic development plans in a manner that is consistent with the purposes of gorge legislation and the values of the area. Incentives are likely to go much further than penalties or punitive actions in assuring compliance with gorge protection mechanisms.

Legislation should specify how the economic development corporation is to be established. Local residents, people with business, banking and economic development expertise and representatives of state economic development agencies should be represented in the corporation's decision-making structure. Specific provisions for determining interest rates should be established, keeping in mind that the lower the interest rate, the greater the incentive and the more effective the program will be. The level of funding available to the program should not exceed 15 million dollars.

The secretary should not be required to loan all the money from the fund within a five year period. Such a requirement could lead to a "hurry-up attitude" and foster projects that might impact valuable resources without providing long-term economic benefits. Concerns about the timely distribution of funds should be addressed by the secretary, development corporation and commission through appropriate contracting processes.

URBAN AREAS

Urban areas are an important element of the overall gorge landscape. Mechanisms should be developed to help urban developments proceed in a manner that is compatible with the scenic values of the area. The commission should be authorized to review and comment on major comprehensive land use plans and ordinance revisions, and on other major developments in urban areas. Upon request, the commission should provide planning, technical and financial assistance to urban areas for the development of scenic enhancement programs. The commission should also establish general design standards for projects funded by the economic development provisons of the gorge legislation.

FUNDING

Adequate, timely funding is essential to the success of this effort. The national scenic area should be funded at the full level of 40 million dollars. The State of Washington requests that an amount not to exceed $468,000 be authorized and appropriated for the acquisition of the critical 230 acre Doetsch Ranch property adjacent to Beacon Rock State Park. The state is committed to providing an equal amount of money to provide access and park developments consistent with the values of the scenic area.

Because so much of the burden for the success of this effort rests with the commission and state and local entities, it will be important to make resources available by providing adequate, long-term funding available through the cooperative Land and Water Conservation Fund program.

Mr. McCRANEY. Senator, could I just comment very briefly to Senator Wallop's question to Governor Atiyeh about the use of the simple interstate compact. Governor Gardner's position on that is that the existence of the tremendous number of Federal agencies in the gorge already and the fact that most of the physical change in the gorge, while it was positive in terms of transportation and transmission and energy development, were in fact wrought by Federal agencies, and there really is a deep, long-term Federal involvement in the gorge that I think mitigates toward more than just an interstate compact.

Senator EVANS. Mr. Boyle, you talked about buffer zones. Do you have any proposed language that would make more explicit that concern over buffer zones? Or do you think the language in the legislation as it is now written is sufficient?

Mr. BOYLE. Senator, I think the language in the legislation now is very strong. I think it could be more specific, however. I do not have language with me, but my staff would be happy to work with yours to do that. We were very pleased to see what is in Senate bill 2055 already. I think that from a policy standpoint, that hits at the issue. I am not sure that everybody always decides that State policy will be exactly as the legislation attempts to define it. I suggest it be a little more specific, and it would not have to be very long to make it that way.

Senator EVANS. You are saying that in some cases legislation passed either at the State or Federal level is distorted by regulations written by departments? Occasionally that happens? [Laughter.]

Mr. BOYLE. I know that you are aware that the amount of legislation that has passed sometimes does not allow the legislative body to go back and look at how it is being administered some years in the future, and also how necessary it is to protect against misinterpretations of what you intended.

Senator EVANS. Well, it would be very helpful if you could get us some explicit language, or any additional language you feel is necessary in the act.

Mr. BOYLE. I will do that.

Senator EVANS. Thank you very much.

Next on the list is the Honorable Peter Myers, Deputy Secretary, Department of Agriculture; accompanied by Max Peterson, Chief of the Forest Service.

Please proceed.

STATEMENT OF PETER C. MYERS, DEPUTY SECRETARY, DEPARTMENT OF AGRICULTURE, ACCOMPANIED BY R. MAX PETERSON, CHIEF, FOREST SERVICE, DEPARTMENT OF AGRICULTURE; AND JIM SNOW, ESQ., OFFICE OF THE GENERAL COUNSEL

Mr. MYERS. Senator, first let me apologize and say that you are correct in that we were remiss in not having the statement in ahead of time. I take the responsibility, and I realize we should have allowed you time to look at it. We do apologize for that.

Senator EVANS. I wish to say that, while that was the statement of Mr. Wallop, I associate myself with his statement. So I appreciate that.

Mr. Myers. I concur, and we apologize.

I do have the maligned prepared statement that we will submit for the record, and I will just highlight it in the interests of time. There is one change——

Senator Evans. Your entire statement will be included in the record.

Mr. Myers. There was one minor change on page 4 that I will mention when I come to it.

I would like to initially say, however, that I commend you and your three colleagues from your two States for the foresight that you have in seeking to maintain the rugged beauty of this scenic area of the Columbia River Gorge for future generations. We fully support in the Department and the administration the concept of maintaining this scenic area. We believe it is very important.

It is not only a highly scenic area, it offers a wide variety of recreation opportunities. Within that area, as you well know, there are many communities with their own identity and character. These communities are dependent upon the commerce in the gorge for their economic well-being. Agriculture, tourism, fishing, timber and transportation are still important economic resources.

As you also know, there are two national forests partially within the Columbia River Gorge. The Gifford-Pinchot National Forest has approximately 10,000 acres within the scenic area boundaries delineated in S. 2055, and the Mount Hood National forest has approximately 35,000 acres. National forests compose approximately 16 percent of the total scenic area proposed by S. 2055.

The national forest lands in the gorge have been managed primarily for their special scenic and recreation attributes since 1915 when the Columbia Gorge Park Division of the Mount Hood National Forest was established.

We recognize the complexity of management issues within the Columbia River Gorge and the need for a coordinated approach to manage its special characteristics. We support a partnership of local, State, and Federal management to ensure the protection of special values and resources. However, we do not support an overriding Federal presence in this area.

For our part, we stand ready to manage the Federal lands in complete cooperation with the governments of the States and localities concerned. We fully appreciate and are willing to protect the values of the federally managed lands. We also support the concept of regulation of the use of privately owned land through an interstate commission, should that be the chosen mechanism.

We would support legislation authorizing establishment of such a commission. However, we believe that the Federal role should be strictly limited and should adhere to certain principles as follows:

The regulation of the use of privately owned land is and should remain the prerogative and the responsibility of State and local governments. The Federal Government may encourage State and local governments in the use of these authorities, but should not control or replace the non-Federal Government in the regulation of private land use.

Specifically, the Federal Government should not approve or disapprove plans for controlling private land use or variances from such plans; enforce regulations applicable to the use of private lands; or be required to purchase more than 5 percent of the lands in the scenic area—we had "special management areas" in our written testimony, and we would substitute "in the scenic area"—affected by the non-Federal land use regulation.

This approach would involve significantly less cost to the Federal Government, would provide for protection of the special values in the Columbia River Gorge, and would have States and counties continue the traditional role of private land planning and regulation.

The concept of a federally established commission, if the States fail to establish a bi-state commission as in S. 2055, raises very difficult questions regarding Federal-State relations. If as provided by 2055 the States fail to establish the Federal commission, the Secretary of Agriculture would be required to establish this commission as a Federal agency. This would amount to Federal zoning of private lands.

We are extremely concerned about the enforcement of zoning through the use of federally imposed fines. Zoning has always been, and should continue to be, a State and local responsibility.

Another major area of concern that we have with S. 2055 is that, as drafted, the bill apparently requires substantial Federal expenditures for land acquisition and exchange, development loans, financing the commission, study and support of the old scenic highway, planning costs, and potential recreation and development costs.

In summary, we do not support Senate bill 2055 in its present form. We would be pleased and happy to work with the members of the Senate and the Congress and their staff to work out the solutions to the problems that we raise.

That concludes my statement.

[The prepared statement of Mr. Myers follows:]

STATEMENT OF
PETER C. MYERS, DEPUTY SECRETARY
UNITED STATES DEPARTMENT OF AGRICULTURE

Before the
Subcommittee on Public Lands, Reserved Water
and Resource Conservation of the
Committee on Energy and Natural Resources
United States Senate

Concerning S. 2055, a bill to establish the Columbia Gorge National Scenic Area, and for other purposes.

June 17, 1986

MR. CHAIRMAN AND MEMBERS OF THE SUBCOMMITTEE:

We appreciate this opportunity to appear before the Subcommittee to offer the Department of Agriculture's views on S. 2055, a bill "To establish the Columbia Gorge Scenic Area, and for other purposes."

The Columbia River Gorge along approximately 75 miles of the Columbia River in the States of Oregon and Washington has assets important to this country--natural beauty, recreation, commerce, history, and natural resources. This landscape is known for its beauty and variety of scenery including numerous spectacular waterfalls, steep rock faces and high gorge walls, and vegetation that ranges from dense, lush, Douglas-fir rain forest in the western portion to open, dry, grassy landscapes to the east. Within an hour's drive one can experience a tremendous variety of scenery, geology, natural resources and a variety of land uses.

The Columbia River Gorge is not only a highly scenic area, it offers a wide a variety of recreation opportunities. Numerous agencies offer recreation facilities within the Gorge. The approximately 1 million residents of Portland and Vancouver are within an hour's drive of the Gorge. Several million recreationists visit the Gorge every year. They view the scenery while enjoying recreation opportunities, such as camp and picnic grounds, many miles of trails--including a portion of the Pacific Crest National Scenic Trail--Multnomah Falls, with its Lodge and Intrepretive Center, and the old Scenic Highway built in 1915 with its unique rock structures built by Italian stone masons.

State highways, an Interstate highway and two railways run the length of the Columbia River Gorge. Power transmission lines and tower structures criss-cross the Gorge. Tug boats and huge barges navigate the river, moving goods to and from Northern Idaho. There are 2 major dams in the Gorge that produce nearly 3000 megawatts of power that is used in the Pacific Northwest.

Lewis and Clark found a teeming metropolis of Native Americans in the Gorge. Significant evidence of their civilization still remains. The coming of European-man brought many changes....commerce, fishing, lumbering, railroads, steamships, the Old Scenic Highway, Bonneville Dam and communities.

Each community has its own identity and character. These communities are dependent upon the commerce in the Gorge for their economic well being. Agriculture, tourism, fishing, timber and transportation are still important economic resources.

Today the complex ownership patterns within the Columbia Gorge indicate many types of land uses. Ownership includes small private tracts of land, larger tracts owned by individuals or timber companies, various State and county agency lands, Tribal Lands, and Bureau of Land Management and National Forest System lands. Also, Bonneville and The Dalles Dams, on the Columbia, are on Federal land managed by the Corp of Engineers.

There are two National Forests partially within the Columbia River Gorge. The Gifford Pinchot National Forest has approximately 10,000 acres within the scenic area boundaries delineated in S. 2055, and the Mt. Hood National Forest has approximately 35,000 acres. National Forests compose approximately 16 percent of the total Scenic Area proposed by S. 2055. The National Forest lands in the Gorge have been managed primarily for their special scenic and recreation attributes since 1915, when the Columbia Gorge Park Division of the Mt. Hood National Forest was established.

S. 2055 would create a National Scenic Area of approximately 277,000 acres, provide Special Management Areas within the Scenic Area of approximately 108,000 acres, identify urban Areas and exclude them from the requirements of the bill, give the consent of Congress for Oregon and Washington to create a regional Columbia Gorge Commission to prepare a management plan for the Scenic Area, provide for the Secretary of Agriculture to establish this Commission if the States do not, provide for Forest Service acquisition of land in the Special Management Areas upon completion of an acquisition plan, direct the Forest Service to exchange land with the State of Washington or other qualifying forest land owners if they request such exchange, authorize the loan of Federal money to a development corporation established pursuant to State law to provide low interest loans, designate the White Salmon River as a Wild and Scenic Study River, and provide for a restoration study and limited acquisition of land along the old Columbia Gorge Scenic Highway.

We recognize the complexity of management and issues within the Columbia River Gorge and the need for a coordinated approach to managing its special charactistics. We support a partnership of local, State and Federal management to ensure protection of the special values and resources, however, we do not support an overriding Federal presence in this area.

For our part, we stand ready to manage the Federal lands in complete cooperation with the governments of the States and localities concerned. We fully appreciate and are willing to protect the values of the Federally managed lands.

We also support the concept of regulation of the use of privately owned land through an interstate commission should that be the chosen mechanism. We would support legislation authorizing establishment of such a commission. However, we believe that the Federal role should be strictly limited, and should adhere to certain principles, as follows:

1) the regulation of the use of privately owned lands is and should remain the perogative and the responsibility of State and local governments;
2) the Federal Government may encourage State and local governments in the use of these authorities, but should not control or replace the non-Federal governments in the regulation of private land use. Specifically, the Federal Government should not:
   a) approve or disapprove plans for controlling private land use, or variances from such plans;
   b) enforce regulations applicable to use of private lands;
   c) be required to purchase more than five percent of the private lands in Special Management Areas affected by non-Federal land use regulation.

This approach would involve significantly less cost to the Federal government, would provide for protection of the special values in the Columbia River Gorge and would have States and counties continue the traditional role in private land planning and regulation.

There are several aspects of S. 2055 that we are particularly concerned about and cannot support. The concept of a Federally established Commission, if the States fail to establish a bi-state Commission, raises very difficult questions regarding Federal-State relations. In S. 2055, if the States fail to establish a Federal Commission, the Secretary of Agriculture would be required to establish this Commission as a Federal agency. This Commission would have the responsibility to plan and develop zoning regulations for private lands if counties fail to comply with the planning and zoning responsibilities outlined in the Bill. This would amount to federal zoning of private lands. This is clearly not an appropriate federal role. We strongly oppose, on the basis of principle, the concept of the Federal government developing zoning for non-federal lands. We are extremely concerned about the enforcement of zoning through the use of federally imposed fines. Zoning always has been, and should continue to be, a State and local responsibility. In addition, there are circumstances when government regulation of private lands may be held to be a taking requiring the payment of just compensation to the owners. In light of the uncertainty in this area of the law, we cannot support legislation which would expose the Federal government to liability.

Another major area of concern is the funding implications of S. 2055. As drafted, the bill apparently requires substantial Federal expenditures for land acquisition and exchange, development loans, financing the Commission, study and support for the old Scenic Highway, and planning costs and potential recreation development costs. It is impossible to estimate the total cost of the legislation. In view of the need to reduce existing Federal costs and programs, we cannot support new legislation that would require a substantial, but as yet undetermined, increase in Federal expenditures.

There are a number of provisions in S. 2055 that we believe are confusing or unclear as to how they would be carried out. An example of this is the establishment of the development corporation and the loan program. It is not clear who would have the responsibility to insure that the loan corporation is established, what State authorities would be used, or what loan applicant criteria would be utilized.

Another example is the provision for establishing the Commission under State law. It is not clear how the States would authorize such a bi-State commission, what form the State-created commission would take, or who has the responsibility to see that the States act to create the commission.

In summary, we cannot support S. 2055 in its present form. We would be happy to work with Members of Congress and the Committee staff to work out solutions to the problems we raise.

This concludes my prepared statement. I would be happy to answer any questions the Subcommittee might have.

Mr. MYERS. I do have Mr. Max Peterson with me, and Mr. Jim Snow from the General Counsel's Office in the Department of Agriculture.

Senator HATFIELD [presiding]. Mr. Secretary, since you were a part of the record initially in the opening statement of the chairman of the subcommittee with some gratuitous comments on my part, I have since understood, or understand that you had submitted your testimony last Friday to OMB—I have just had this reported to me from OMB. There were some changes that OMB had suggested, and they were returned then to your shop, and then as of last night you had some countersuggestions that created the delay in your testimony being submitted to the committee. Is that a correct recitation of the situation?

Mr. MYERS. That is fairly accurate, Senator, because I was not here over the weekend. I was not involved with the work, but, yes, we did have a difference in wording, not philosophy.

Senator HATFIELD. I see. I was hoping it was major policy differences.

Mr. MYERS. No, sir. We agreed on the major policy. It was the way we were going at it.

Senator HATFIELD. So you still stand guilty of being a little negligent.

Mr. MYERS. I completely agree, and it is my responsibility for whatever happens, and we will endeavor to assure you that this will not happen again. I would rather come with no prepared testimony than be late.

Senator HATFIELD. I hope you understand that the committee is not being picky about this matter, but we do have some monumental testimony that we have to organize and arrange so that it is a rule of the committee and it has some real logic.

Mr. MYERS. I understand completely, and you are correct.

Senator HATFIELD. Mr. Secretary, I thank you for your testimony this morning. Senator Evans, do you have questions you wish to ask the Secretary or the Director of the Forest Service?

Senator EVANS. Of course it is a little difficult to ask questions when we have just received the testimony, and we have just had it a short period of time. I understand that it is also accompanied by your idea of a draft piece of legislation, a separate piece of legislation. Is that correct?

Mr. MYERS. We have a draft piece of legislation. We have not submitted it formally, Senator.

Senator EVANS. You have not submitted it formally? But it is out and about. At least it is in front of me.

Mr. MYERS. All right, then it is out and about. [Laughter.]

Senator EVANS. I understand that legislation—in your testimony you express your deep concern about the enforcement of zoning through the use of federally imposed fines. I am just trying to find the particular reference here. I am almost positive that I read in the draft of the bill that if the States had not followed through—let me see if I can find the page reference—

> In the event a county fails timely to meet the consistency requirements for interim or final zoning ordinances or a land use plan required by this Act, the Secretary shall so notify the Secretary of the Treasury who shall withhold payments to the

State wherein the county is located of ten percent of all monies payable to the State in the ensuing fiscal year—

And the code reference pertaining to highways.

That sounds an awful lot to me like a fiscal fine.

Mr. **Myers**. Well, that would be withholding. Senator, I would like you to understand that this draft is not submitted as part of our testimony at this point.

Senator **Evans**. I would just suggest that you do not submit that as part of any significant testimony. In something like that, the whole concept is abhorent to me, not only in this but in a lot of other legislation where it is attempted to be used. Even if the purposes are beneficial, the method I think is erroneous, especially in a case like this where counties are failing to act but the State gets the penalty. You are not even assigning a penalty to the same unit that creates the problem.

Mr. **Myers**. The theory behind that draft was that the Federal Government at least would not have to force zoning. They would ask, and then withhold.

Senator **Evans**. I think that is a distinction without a difference. If you start withholding 10 percent of highway moneys of any State, that is a club of very substantial proportions.

Mr. **Myers**. That is true, but it does have precedence in other legislation that is now the law of the land.

Senator **Evans**. Yes. Unfortunately, that is true.

All right. But as far as you are concerned, the fact that you have attempted at least to draft a piece of legislation indicates that you are so far at odds with any of the pieces of legislation which have now been submitted to the Congress, that you do not have suggestions for modification of that legislation, but feel that an entire new draft is likely necessary?

Mr. **Myers**. No, sir. We felt that if we came up here with no suggestions, we would be remiss. This is the reason we put together some legislation so that we could begin to work with the committee staff, with you gentlemen, to come to some common grounds.

Senator **Evans**. Fine. Thank you.

Senator **Hatfield**. I would like to now call upon Ms. Nani Warren, who is Chairman of the Oregon Columbia River Gorge Commission, and Mr. Ken Powell who is Chairman of the Washington Columbia River Gorge Commission. These are the two chairpersons of the citizens group which has had a very important part in gathering information, providing data, and mobilizing leadership. They are accompanied by Mr. Jeff Breckel.

I would say to the witnesses, up until now because of protocol and tradition we have not operated the light system. The light system now begins.

You may proceed as you wish. Your full statement will be placed in the record, and if you wish to summarize or to highlight the testimony you may do as you please. It is nice to see you today, Ms. Warren.

STATEMENT OF NANI WARREN, CHAIRMAN, OREGON COLUMBIA RIVER GORGE COMMISSION, STEVENSON, WA

Ms. WARREN. Senator Hatfield, Senator Evans, I am Nani Warren, Chairman of the Oregon Columbia River Gorge Commission. I have served in this Governor-appointed board for the past 16 years.

Nearly everyone agrees that the Columbia River Gorge is a very special place, a region of unparalleled scenic beauty, striking natural diversity, and rich cultural history, an area of national if not international distinction, a rare and fragile landscape worthy of protection, a heritage to be preserved.

For nearly 6 years we have debated on how best to protect this very special place, how to manage its lands and resources, and who should have a voice in shaping its future. The gorge has been the subject of congressional hearings, Governor's select committees, mountains of written materials and correspondence, and many public forums. While we have pondered and debated, agonized and struggled, the face of the gorge has been permanently altered bit by bit.

Although the gorge bears the marks of our past insensitivity, great beauty remains, a tribute to those who have clearly cared dearly for this area over the years. But how long can the gorge continue to absorb our mistakes and our transgressions before we reduce an extraordinary landscape into one which is very commonplace?

Our message to this committee and the region's congressional delegation is that the time has come to resolve the prolonged debate over the future of the gorge. We believe that the opportunity is at hand to reach a concensus on a lasting and workable management solution.

Over the past year, the region's congressional delegation has reached agreement on many elements critical to such a solution. Only a few differences remain to be solved. We can ill afford a further delay in reaching a solution. We need sound, effective, and equitable legislation for management of the gorge, legislation which will preserve and protect the scenic, natural, recreational, economic, and cultural values which will establish and maintain a reasonable balance between environmental protection and economic development growth, which will treat all citizens fairly and equitably, and ensure their active participation in shaping the region's future.

The Gorge Commissions believe that S. 2055 and a similar proposal in the House, H.R. 4221, both provide the basic framework for many of the essential elements of an effective legislative solution. The commissions support the two-tiered management approach in both bills. They believe this approach would provide an effective and workable structure. It would divide management responsibilities between the Secretary of Agriculture and a 12-member bistate commission, would provide direct participation for national, State, and local interests, and it would recognize the capability of the Secretary to plan for and protect the region's most sensitive and critical areas.

It would also incorporate the strength of the commission to meld local and State interests and their needs into an effective management program. The basic framework for fair and workable legislation is here. We urge the committee and the region's congressional delegation to resolve the differences between these two bills, to continue their efforts to reach such a concensus on this issue.

May I introduce to you now Ken Powell, Chairman of the Washington Gorge Commission who will discuss the commission's specific recommendations.

Senator HATFIELD. Thank you very much.

STATEMENT OF KEN POWELL, CHAIRMAN, WASHINGTON COLUMBIA RIVER GORGE COMMISSION, STEVENSON, WA, ACCOMPANIED BY JEFF BRECKEL, DIRECTOR, OREGON AND WASHINGTON COLUMBIA RIVER GORGE COALITIONS

Mr. POWELL. Mr. Chairman, and committee members, I am Ken Powell, chairman of the Washington Gorge Commission, and I have served on that board for about 2½ years.

To assist the committee and regional delegation in reaching a concensus on gorge management, the Columbia River Gorge Commissions have prepared detailed comments and recommendations on S. 2055 and H.R. 4221. While the commissions support the two-tiered management approach, there are instances where we feel the management structure could be improved. We recommend:

One, the bistate commission should be designated the lead agency for the management of non-Federal lands including those in special management areas. In carrying out this responsibility, the commission should work in close association with the Secretary. In special management areas, the commission should obtain the concurrence of the secretary to avoid conflicts with acquisition and management plans for Federal lands. This approach would eliminate direct Federal control over non-Federal lands. It would also allow the preparation of a single comprehensive set of land use standards.

Two, standard criteria should be established and used to set urban area boundaries. Authority should be granted for limited revisions to the special management area boundaries.

Three, the portion of the Klickitat River outside the gorge's viewshed should be excluded from the scenic areas. Major tributaries should, however, be authorized for study under the Federal Wild and Scenic Rivers Act.

Four, the bistate commission should be allowed to assist in urban area planning, and to comment on major land use actions in urban areas.

Five, the provisions relating to the management plan and its preparation should be clarified and strengthened to ensure that a single coordinated plan will result.

Six, the scope of interim management should be expanded to include all land-use actions which might adversely impact scenic natural and cultural values.

Seven, land and resource use guidelines for the management plan should be revised to be more consistent with existing gorge commissions' guidelines and local standards now in place.

Eight, provisions should be included to ensure that State and Federal actions are consistent with the management plan and the purposes of the act.

Nine, a vote of a majority of the commission members from each State plus one additional vote should be required if the commission is to reject the Secretary's comments on the management plan.

Ten, enforcement actions by the commission when necessary must be ensured.

Eleven, the deadline for completion of the management plan should be extended.

Twelve, provisions for economic assistance should be clarified and expanded. Economic assistance should be administered by a local body. Assistance should include grants, low-interest loans, and loan guarantees for compatible projects.

Land purchases should be limited until an acquisition plan is completed. Less-than-fee acquisition should be given increased emphasis in both the special management areas and commission-managed lands.

Fourteen, public participation and involvement should be ensured in all phases of the planning process.

These comments are discussed in detail in the report that we have submitted. We hope that they will receive your consideration and that you will press ahead in resolving this issue.

Thank you.

[The joint prepared statement of Ms. Warren and Mr. Powell follows:]

Proposed Legislation on the Columbia River Gorge
S. 2055

Testimony of
Oregon and Washington
Columbia River Gorge Commissions

Before

The Senate Energy and Natural Resources Subcommittee
on Public Lands and Reserved Waters

June 17, 1986

Mr. Chairmen and Committee Members:

Nearly everyone agrees that the Columbia River Gorge is a special place, a region of unparalleled scenic beauty, striking natural diversity and rich cultural history...an area of national, if not international, distinction...a rare and fragile landscape worthy of protection...a heritage to be preserved.

For nearly six years we have debated how best to protect this special place, how to manage its lands and resources, and who should have a voice in shaping its future. The Gorge has been the subject of Congressional hearings, governor select committees, mountains of written material and correspondence, and many public forums. And, while we have pondered and debated, agonized and struggled, the face of the Gorge has been permanently altered bit by bit.

Although the Gorge bears some marks of our past insensitivity, great beauty remains...a tribute to those who have cared dearly for this area over the years. But how long can the Gorge continue to absorb our mistakes and our transgressions before we reduce an extraordinary landscape into one which is commonplace?

Our message to this committee, and the region's Congressional delegation, is that the time has come to resolve the prolonged debate over the future of the Gorge. We believe that the opportunity is at hand to reach a consensus on a lasting and workable management solution. Over the past year, the region's Congressional delegation has reached agreement on many elements critical to such a solution. Only a few differences remain to be resolved.

We can ill-afford a further delay in reaching a solution. We need sound, effective and equitable legislation for management of the Gorge.

...Legislation which will preserve and protect the scenic, natural, recreational, economic and cultural values.

...Legislation which will establish and maintain a reasonable balance between environmental protection and economic development and growth.

...Legislation which will treat the Gorge as an indivisible unit and provide for a single management approach with the authority and resources to implement regional policies and directives while melding local, state and national interests.

...Legislation which recognizes the historic human presence in the Gorge, and recognizes that protection of scenic and natural values need not preclude traditional resource uses.

...Legislation which will treat all citizens fairly and equitably, and ensure their active participation in shaping the region's future.

The Gorge Commissions believe that S.2055 and a similar proposal in the House, H.R.4221, both provide the basic framework and many of the essential elements of an effective legislative solution to this long-standing issue.

The Commissions support the "two-tiered" management approach proposed in both bills. They believe this approach would provide an effective and workable management structure. It would divide management responsibilities between the Secretary of Agriculture and a 12-member bi-state commission. It would provide direct participation for national, state and local interests. It would recognize the capability of the Secretary to plan for and protect the region's most sensitive and critical lands. It would also incorporate the strength of a commission to meld local and state interests and needs into an effective management program.

The basic framework for fair and workable legislation is here. We urge the Committee and the region's Congressional delegation to resolve the differences between these two bills...to continue their efforts to reach a consensus on this issue.

To assist the Committee and regional delegation in reaching a consensus on Gorge management, the Columbia River Gorge Commissions have prepared detailed comments and recommendations on S.2055 and H.R.4221.

While the Commissions support the two-tiered management approach, there are instances where we feel the management structure could be improved. We recommend:

1. The bi-state commission should be designated the lead agency for the management of non-federal lands, including those in Special Management Areas. In carrying out this responsibility, the commission should work in close association with the Secretary. In Special Management Areas, the commission should obtain the concurrence of the Secretary to avoid conflicts with acquisition and management plans for federal lands.

   This approach would eliminate direct federal control over non-federal lands. It would also allow the preparation of a single comprehensive set of land use standards for all non-federal lands.

2. Standard criteria should be established and used to set Urban Area boundaries. Authority should be granted for limitied revisions to the Special Management Area boundaries.

3. The portion of the Klickitat River outside the Gorge viewshed should be excluded from the scenic area. Major tributaries should, however, be authorized for study under the federal Wild and Scenic Rivers Act.

4. The bi-state commission should be allowed to assist in Urban Area planning and to comment on major land use actions in Urban Areas.

5. The provisions relating to the management plan and its preparation should be clarified and strengthened to ensure that a single, coordinated plan will result.

6. The scope of interim management should be expanded to include all land use actions which might adversely impact scenic, natural and cultural values.

7. Land and resource use guidelines for the management plan should be revised to be more consistent with existing Gorge Commissions' guidelines and local

standards in place in a number of Gorge counties.

8. Provisions should be included to ensure that state and federal actions are consistent with the management plan and the purposes of the Act.

9. A vote of the majority of the commissions members from each state plus one additional vote should be required if the commission is to reject the Secretary's comments on the management plan.

10. Enforcement actions by the commission, when necessary, must be ensured.

11. The deadline for completion of the management plan is too short and should be extended.

12. Provisions for economic assistance should be clarified and expanded. Economic assistance should be administered by a local body. Assistance should include grants, low-interest loans and loan guarantees for compatible projects.

13. Land purchases should be limited until an acquisition plan is completed. The deadline for completing purchases should be amended. Less-than-fee acquisition should be given increased emphasis in both the Special Management Areas and commission-managed lands.

14. Public participation and involvement should be ensured in all phases of the planning process. A separate section in the bill should be dedicated to this purpose.

These comments are discussed in greater detail in the report we have submitted. We hope that they will receive your consideration and that you will press ahead in resolving this issue.

Thank you for this opportunity to testify.

PROPOSED COLUMBIA RIVER GORGE NATIONAL SCENIC AREA LEGISLATION

Oregon and Washington Columbia River Gorge Commissions
May 22, 1986

I. INTRODUCTION

This report represents the findings and recommendations of the Oregon and Washington Columbia River Gorge Commissions. It addresses the provisions of S.2055 (H.R.4161 in the House) and H.R.4221, a modified version of S.2055. The bills were reviewed against the standards contained in the Commissions' "Position Paper on Gorge Legislation" published in November 1983 and revised in February 1986.

The Gorge Commissions were created by the state legislatures of Oregon and Washington in the 1950s to oversee the preservation and enhancement of the scenic, natural and cultural values of the Columbia River Gorge. The volunteer citizen boards maintain a joint office and staff in Stevenson, Wash.

II. MANAGEMENT STRUCTURE

While differing in a number of aspects, S.2055 and H.R.4221 both propose the use of a "two-tiered" management structure. Management responsibilities for the Gorge would be divided between the Secretary of Agriculture and a 12-member bi-state commission. The Secretary, working through the U.S. Forest Service, would be responsible for the planning and managing of four Special Management Areas (SMAs) encompassing approximately 108,000 acres. In concept, the SMAs contain the most critical, sensitive or important lands in terms of scenic, natural, cultural and recreational values.

In managing the SMAs, the Secretary would be authorized to acquire land, both in fee and less than fee. The Secretary would also be authorized to develop mandatory land use standards for non-federal lands in the SMAs, and to oversee the implementation of those standards by local governments.

The bi-state commission under both bills would be responsible for planning for and managing all other lands within the scenic area, excluding designated urban areas. This would encompass about 141,000 acres. The bi-state commission would have no authority to acquire land. It would be responsible for developing mandatory land use standards to be implemented by local goverments outside of SMAs.

While this two-tiered approach does not rely solely on a regional commission as recommended by the Commissions' position paper, the Commissions think it provides the basis for a workable management structure. It provides for the direct participation of national, state and local interests. It recognizes the capability of the Secretary to plan for and protect the region's most sensitive and critical lands. It also incorporates the strength of a regional commission to meld state and local interests into an effective protection strategy for the remainder of the Gorge. Moreover, it provides the framework for integrating these two management entities into a single management structure.

Finally, the commission structure proposed is consistent with the Gorge Commissions' policy that such a body must be a citizens board. Representatives would be appointed by the six Gorge counties and the two state governors. Federal, state and local elected officials would not be eligible for appointment.

Yet, while the Commissions believe that the two-tiered management approach is workable, they noted a number of instances where the management structure could be strengthened, clarified and streamlined. Most important in this regard is the division of responsibility for overseeing non-federal lands within the National Scenic Area. Both S.2055 and H.R.4221 divide this responsibility between the Secretary and the bi-state commission on a geographic basis. The Secretary is responsible for developing mandatory land use standards for non-federal lands within SMAs. The bi-state commission has this responsbility for non-federal lands in the remainder of the scenic area, excluding the urban areas.

This division of responsibility makes planning for and managing of non-federal lands overly complex and cumbersome. The Commissions recommend that the bi-state commission be vested with the responsibility for developing the land use standards for all non-federal lands, regardless of their location. In carrying out this responsibility in the SMAs, the bi-state commission must work in close consultation with the Secretary to ensure that the unique values in these areas receive the special consideration they warrant. Land use standards for non-federal lands in the SMAs should be done with the concurrence of the Secretary and should not conflict with or detract from the plans for acquisition and management of federal lands.

The Commissions believe that this consolidation of responsibility for non-federal lands offers several important advantages over the divided approach. First, it would eliminate direct federal control over non-federal land. Second, it would allow the development of a single comprehensive set of land use designations and standards. Finally, it would simplify administrative procedures by allowing local jurisdictions to deal with a single entity in preparing and implementing land use controls.

III. BOUNDARIES

A. National Scenic Area

In general, the proposed scenic area boundaries are consistent with the viewshed concept discussed in the Commissions' position paper. Specifically, they appear to include all lands visible from Interstate-84 and the historic Columbia River Highway in Oregon, Washington State Route 14, and the Columbia River.

One notable exception, however, is the extension of the scenic area boundary nearly 11 miles up the Klickitat River. In keeping with the policy setforth in their position paper, the Commissions recommend that this boundary be revised to include only that portion of the Klickitat River falling within the Gorge viewshed. The Commissions further recommend that the larger Gorge tributaries, including the Klickitat, be authorized for study under the federal Wild and Scenic Rivers Act.

Finally, in keeping with their position paper, the Commissions recommend that the eastern scenic area boundary in Washington be extended to include the grounds of Maryhill Museum.

B. Special Management Areas

The Commissions agree with the concept of identifying the most critical and sensitive lands within the Gorge and including them in SMAs. They did not review the SMAs in detail to determine their adequacy, however.

The Commissions recommend that legislation provide the means for adjusting SMA boundaries as part of the planning process. While current information allows for the general mapping of SMAs, these boundaries should be revised after enactment as more detailed evaluations of the region's resources are completed. These revisions should not change the total net SMA acreage established at the time of enactment.

H.R.4221 includes the existing communities of Dodson, Warrendale and Bridal Veil within the Gates of the Gorge SMA. The Commissions believe that it is inappropriate to include established communities within a SMA and recommend that this provision be deleted. The communities should be under bi-state commission management as provided for in S.2055. The Secretary should be able to purchase lands in Warrendale and Dodson in accordance with the adopted recreation composite plan for the Mt. Hood National Forest, however.

Finally, the Commissions recommend that all islands within the Gorge, except for Bradford, Cascade and Memaloose, be designated SMAs. These islands are unique scenic features in the Gorge and represent important and sensitive riparian and wildlife habitat.

C. Urban Areas

The Commissions are concerned that no standard criteria were used for establishing urban area boundaries. Such criteria are essential to help ensure consistency and equity in setting urban area boundaries. Urban areas should include those lands physically committed to the range and intensity of land uses normally associated with cities and towns, plus adjacent lands needed and suitable for accommodating reasonable expansion of those uses. While most of the designated urban areas fit this general criteria, the Stevenson, Carson and Dallesport urban areas appear to be exceptions. These areas seem to contain a large number of acres which are neither physically committed to nor needed for urban uses.

The Commissions are not particularly concerned with the Carson urban area, since it falls outside the Gorge viewshed. They recommend, however, that the Stevenson and Dallesport urban areas be reviewed based on current use and anticipated growth, and that the boundaries be revised if it is found that lands included exceed projected growth needs.

Finally, the Commissions question the provisions of S.2055 and H.R.4221 relating to urban areas. As noted in the position paper, the cities and towns are integral elements of the Gorge landscape. In addition to being economic and population centers, they contribute significantly to the region's overall character. While it would be clearly inappropriate to impose the same standards on urban and rural areas, it would also be inappropriate to ignore urban areas based on their high visbility.

Provisions for urban areas should not prohibit or unduly interfere with normal urban activities or land uses. They should be directed toward helping urban areas to be more attractive places to live, work and visit. They should allow urban areas to maintain their own unique identity and character.

The Commissions believe that the best way to achieve these purposes is through planning and financial assistance, rather than through imposing regulatory standards. To this end, the Commissions recommend that S.2055 and H.R.4221 include the following provisions:

1. The bi-state commission should be authorized to review and comment on major comprehensive land use plan and ordinance revisions, and on major development proposals. Such comments should be advisory in nature.

2. The bi-state commission should be authorized, upon request, to provide technical and financial assistance to urban areas for the development of enhancement programs.

3. The bi-state commission should establish general design standards for projects funded by the economic development provisions of the act.

IV. INTERIM MANAGEMENT

Passage of either S.2055 or H.R.4221 will initiate a lengthy process of preparing a long-term management plan for the Gorge. To avoid damaging or inappropriate land use actions prior to the completion of the management plan, both bills provide for interim management. The Secretary would be responsible for developing interim guidelines for the SMAs and approving all new residential development in those areas. The bi-state commission would be responsible for developing interim guidelines for lands outside of SMAs, again excepting urban areas, and for approving major development actions. Major development actions are defined as subdivisions, multifamily housing, and commercial and industrial facilities. H.R.4221 differs from S.2055 in that it prohibits the approval of any development permits in SMAs while the Secretary is preparing interim guidelines.

The Commissions believe that the scope of the proposed interim measures is too narrow. Confined to approval of new residential development in the SMAs and subdivisions, multifamily housing, and commercial and industrial facilities in the bi-state commission-managed areas, these controls are insufficient to address the broad range of land use actions which could be expected to occur in the interim period. The scope of interim management should be expanded to include all land use and resource development actions within the SMAs and bi-state commission-managed areas. Further, the Commissions recommend that the Secretary be responsible for interim management of all SMA lands until the bi-state commission adopts interim standards for the SMAs which are acceptable to the Secretary.

Finally, the Commissions take exception to the H.R.4221 provision which would establish a total moratorium on all land use actions within the SMAs while interim standards are being developed. A moratorium on selected major land use and resource management actions may be appropriate, but approval of minor actions which would not affect scenic, natural or cultural values should be permitted.

V. MANAGEMENT PLAN

A. General

The management plan is the key element in establishing a long-term management program. It must translate the general goals, objectives and purposes of the legislation into specific regional policies, directives and standards which can be implemented by the numerous regulatory and planning agencies in the Gorge. If there is to be a single management structure, there must be a single, coordinated management plan developed jointly by the Secretary and the bi-state commission.

The provisions of S.2055 and H.R.4221 relating to the management plan and its preparation should be clarified and stengthened to ensure that a single, coordinated plan will result.

B. Elements of the Management Plan

S.2055 and H.R.4221 specify that the management plan shall consist of a resource inventory, land use designations, guidelines for adoption of zoning ordinances, and a cooperative recreation plan. The resource inventory and cooperative recreation plan would be developed jointly by the Secretary and the bi-state commission. The land use designations and guidelines for adoption of zoning ordinances would be prepared separately, with the Secretary responsible for SMAs and the bi-state commission responsible for the remainder of the scenic area, expect for urban areas.

The Commissions recommend several revisions to this approach. First, an additional element should be added requiring the Secretary and bi-state commission to jointly prepare criteria for identifying critical or sensitive lands throughout the scenic area. As specified in the position paper, such lands should include not only unique scenic, natural and cultural landmarks and features, but also lands necessary to retain the overall character of the region.

Second, the bi-state commission should be responsible for developing and applying land use designations for all non-federal lands within the scenic area. Application of land use designations in the SMAs should be done in consultation with the Secretary and should not conflict with the plans for acquisition and management of federal lands.

Third, an additional plan element should be incorporated requiring the bi-state commission and Secretary to jointly develop standards and guidelines for all land and resource uses. Joint development of these standards will help to ensure consistency in the management plan. It would also eliminate dual standards and the confusion that these would likely create. Further, since these standards would be used to regulate federal actions as well as local and state actions, it is essential that the Secretary be involved in their development. Finally, while the standards should be jointly developed, their application should remain divided between the bi-state commission for non-federal lands and actions and the Secretary for federal lands and actions.

Fourth, the scope of the plan element dealing with guidelines for adoption of zoning ordinances should be expanded to include all land use plans, policies and regulations which apply within the scenic area, as well as affected state and federal agency management and regulatory programs. Zoning ordinances alone are an insufficient vehicle for implementing the standards of the management plan. They do not generally address the full range of land or resource uses possible, nor do they apply to many state or federal resource management programs. The bi-state commission should be responsible for the development of these guidelines. Guidelines for lands in the SMAs, and for federal activity throughout the scenic area, should be done with the concurrence of the Secretary.

Finally, although both S.2055 and H.R.4221 require the Secretary to develop an acquisition plan for the SMAs, they do not require this plan to be an element of the overall management plan. The acquisition plan is an integral part of the overall management scheme for the region and should be an element of the management plan. As currently specified in the bills, the acquisition plan should be prepared by the Secretary in consultation with the bi-state commission.

C. Content of the Management Plan

Both S.2055 and H.R.4221 provide standards for the content of the management plan. These standards, however, differ considerably. In general, the Commissions preferred the standards of H.R.4221.

Both bills require the management plan to provide for the preservation and enhancement of forest and agricultural lands. Both limit other uses on these lands, but H.R.4221 specifies that the plan shall discourage the conversion of forest and agricultural lands to uses other than those specifically authorized. The Commissions concur with this additional provision. If forest and farmlands are to be preserved, their conversion to incompatible uses should be discouraged.

In the discussion of forest land management, neither bill includes standards requiring the consideration or protection of scenic, economic and natural values. In fact, both bills include provisions which could prevent the use of scenic design standards on forest lands outside the SMAs. Forest practices, particularly timber harvest, can have a significant impact on scenic values. Methods are available, however, to mitigate these adverse impacts. These methods have already been used by a number of forest landowners in the Gorge and one county requires that such measures be employed. The Commissions believe that legislation should require the management plan to include scenic design standards for forest management practices.

The listing of open space, scenic, cultural and historic areas and natural resources provided in H.R.4221 is more complete than that of S.2055, and should be used. Both bills require the management plan to provide for the conservation of open space, scenic and historic areas, and natural resources. The Commissions recommend that this wording be strengthened to require protection and enhancement of the resources. Such direction would be more consistent with the purposes of the act and the standards set for forest and agricultural lands.

S.2055 allows new commercial uses outside of urban areas subject to standards which would minimize impacts on scenic, cultural, recreational and natural resources. H.R.4221 would permit new commercial development outside urban areas if it were located within the existing communities of Prindle, Skamania, Underwood, Home Valley and Corbett, if such development was compatible with scenic, natural, cultural and recreational values. The Commissions concur with the provision of H.R.4221 which identifies existing communities where further commercial development would be generally acceptable. The listing of these areas should be expanded to include Dodson, Warrendale, Bridal Veil and Rowena. In addition, the provisions of H.R.4221 should state that commercial development outside of existing communities could be permitted, but only if a need for such a location could be demonstrated and if such development would not adversely impair or detract from the region's scenic, natural and cultural values.

The Commissions concur with the provisions for residential development and surface mining contained in H.R.4221.

Finally, since transportation, communication, energy production and utilities facilities can have a significant impact on scenic, natural and cultural values of the Gorge, the management plan should include standards to ensure such facilities will not substantially impair or detract from those resources.

D. Adoption of the Management Plan

Both S.2055 and H.R.4221 require that the bi-state commission adopt the management plan by a majority vote of the members from each state, or a dual majority. Following adoption, the plan would be submitted to the Secretary for review. If the Secretary disapproved the plan, the bi-state commission could either revise the plan or vote to reject the Secretary's recommendations. S.2055 allows the bi-state commission to reject the Secretary's recommendations by a two-thirds vote of its membership. H.R.4221 requires a vote of the majority of the membership appointed from each state, plus one additional vote.

The Commissions support the dual majority vote for adoption of the management plan. Such a provision will require the bi-state commission to work toward a consensus on the plan. The Commissions also support the provisions of H.R.4221 for a dual majority plus one vote of the bi-state commission to override the Secretary's recommendations.

Although both bills require the management plan to be completed within a specified time, neither provides a workable alternative for completing and implementing the plan should the bi-state commission become deadlocked. H.R.4221 would give the Secretary the authority to complete the plan if the bi-state commission failed to act, but not to implement its provisions. If the bi-state commission later completed a management plan, it would supersede the Secretary's plan. The Commissions recommend that the H.R.4221 provisions be expanded to allow the Secretary to complete the plan, as well as move ahead with its implementation.

VI. SCHEDULE FOR ACTION

The Commissions were particularly concerned with the schedule for preparation of the management plan. Both S.2055 and H.R.4221 require the plan to be completed within two years of enactment of legislation. Work on the plan, however, cannot commence until the bi-state commission is appointed, a process which could take between 180 and 345 days. This would allow only one to one and one-half years to draft, conduct hearings and adopt a plan--a period far too short given the magnitude of the task. The Commissions recommend that two and half years be given for completing the management plan following appointment of the bi-state commission.

VII. IMPLEMENTATION/ADMINISTRATION

A. Implementation of the Management Plan

S.2055 and H.R.4221 both provide for the implementation of the management plan through local zoning ordinances. The Commissions believe that this scope of implementation is too narrow. First, zoning ordinances are only one method by which local jurisdictions control land uses. Zoning ordinances are often supplemented by comprehensive plans, policies and other regulations. Second, zoning ordinances and other land use controls do not apply to land use actions by federal agencies, nor in some instances to state agencies.

Accordingly, the legislation should direct local jurisdictions to develop new or amend existing land use plans, policies, and regulations as necessary to implement the land use designations and standards of the management plan. The bi-state commission should be given the responsibility for reviewing and approving all local land use plans, policies and regulations and any subsequent revisions or variances.

State agencies should also be required to ensure that their plans and programs affecting land and resources in the Gorge are consistent with the management plan. The bi-state commission should be responsible for reviewing and approving those plans and programs. Where existing state programs or regulations are more stringent than the provisions of the management plan, state measures should prevail.

Approval of state and local implementing measures should be by a vote of the majority of bi-state commission members from each state (dual majority).

The Secretary should be responsible for reviewing and approving all federal land use and resource management actions in the scenic area. Where existing federal standards for such actions are more stringent that the provisions of the management plan or act, the federal standards should prevail.

B. Enforcement

S.2055 directs the bi-state commission to monitor the activities of the counties pursuant to the act, and states that the bi-state commission may take action as necessary to ensure compliance. H.R.4221 also directs the bi-state commission to monitor the activites of the counties, but requires it to take action to ensure compliance.

If implementation of the management plan is to be assured, the bi-state commission must take action where necessary to ensure compliance. For this reason, the Commissions favor the provisons of H.R.4221. They recommend, however, that this provision be expanded to require the bi-state commission to also monitor the actions of state agencies and take action when necessary. Further, the nature of enforcement action should be better defined. The Commissions recommend that the bi-state commission have the authority to stop, deny or amend any action it finds inconsistent with the plan or the purposes of the act.

The Secretary should be given the responsibility for monitoring federal activities and taking action when necessary.

C. Appeals

Both S.2055 and H.R.4221 allow any person or entity adversely affected by any final county or bi-state commission action relating to the implementation of the act to appeal such action to the bi-state commission. The Commissions recommend that such appeals be conducted through the use of an administrative law judge or hearings officer.

D. Development Corporation

S.2055 and H.R.4221 provide for a development corporation capable of making low-interest loans to further the purposes of the act, but neither bill provides any details or guidance as to how the corporation would be organized.

Economic assistance could do much to offset any impacts legislation may have on existing economic activities and allow communities to capitalize on new opportunities. The Commissions recommend that legislation authorize the creation of an economic development council consisting of local residents, representatives of Gorge business and banking, and representatives of state economic development agencies. In addition to making low-interest loans, the council should have the ability to make grants to local jurisdictions and to secure loan guarantees for projects consistent with the act and management plan. Legislation should further direct the council to use existing state and federal economic programs wherever possible in carrying out its functions.

E. Land Acquisition

Although the land acquisition provisions of S.2055 and H.R.4221 were found to be generally acceptable, the Commissions were particularly concerned over the time constraints imposed for completion of acquisition actions. Both S.2055 and H.R.4221 state that it is the intent of Congress to have all land exchanges completed within three years of enactment. S.2055 also requires the Secretary to complete other acquisitions within three years of receiving a bonafide offer from a willing seller. If the acquisition is not completed within this period, the stringent SMA land use standards would be lifted from the property. H.R.4221 increases the three year time frame to five years.

The Commissions agree that land acquisition should be completed promptly, but they believe that the time constraints are so severe the Secretary could be forced to acquire lands which are not needed to accomplish the purposes of the act. The Commissions recommend that no acquisition be undertaken until the final acquisition plan is completed, unless such acquisition is done in accordance with interim acquisition guidelines developed by the Secretary in consultation with the bi-state commission.

The Commissions further recommend that the deadline for the completion of land exchanges be extended to five years after the acquisition plan is completed. They also recommend that the three year deadline for completing a willing seller acquisition should not take effect until the acquisition plan is completed.

The Commissions believe that legislation should place increased emphasis on the acquisition of scenic easements and development rights. Full fee acquisition should be used only when less than fee methods are unable to accomplish management objectives. Further, the bi-state commission should be given limited authority to acquire scenic easements or development rights on a willing seller basis. This authority would assist the bi-state commission in protecting sensitive resources outside of SMAs.

VIII. PUBLIC PARTICIPATION AND INVOLVEMENT

S.2055 and H.R.4221 require the use of citizen advisory committees and public hearings in the preparation of the management plan. While these are important elements in securing public participation, additional measures should be taken. Gorge residents and concerned citizens must be given the opportunity to actively participate in the development of a management program which will directly affect their lives and livelihood.

The Commissions believe that public participation and involvement should be a separate section in legislation. It should provide for public involvement in all phases of the planning process.

IX. FUNDING

Funding for the timely implementation of the act is essential. Insufficient funding will only delay and seriously jeopardize the success of any management effort. The legislation must include adequate funds for planning and planning assistance, bi-state commission operations, economic development, plan implementation and enforcement, land acquisition, and development of recreational and other public use facilities.

POSITION PAPER ON GORGE LEGISLATION

Oregon and Washington
Columbia River Gorge Commissions

February 1986

This position paper is a compilation and explanation of those key elements and principles which we believe must be embodied in any Gorge management legislation.

I. OBJECTIVES

The primary and ultimate objective of Gorge management legislation must be the protection, conservation and enhancement of scenic, natural and cultural values for public use, education and enjoyment.

In developing the mechanism to achieve this objective, legislation must recognize the nature and character of this special place and the forces that have shaped it.

--It must recognize the Gorge as a single, indivisible unit.

--It must recognize that resource management and land use decisions in the Gorge have historically been made by a myriad of public agencies whose jurisdictions and responsibilities often overlap and conflict. It must recognize the need for a single management structure with the authority and resources to establish and implement broad regional policies and directives...a management structure capable of ensuring the protection of the region's unique values by melding local, state and national interests.

--In addition to the diversity of the area's scenic and natural values, it must recognize economic uses of the Gorge and its resources, including transportation, electrical power generation, timber, agriculture, recreation, cities and unincorporated communities.

--It must recognize that protection of scenic and natural values need not necessarily preclude historical uses of the Gorge. It must employ measures which will accomplish protection and conservation objectives while maintaining, to the maximum extent possible, an individual's capability to utilize land and its natural resources. Homes and farms must be preserved as long as the character of these uses is not significantly changed.

--It must provide for the active participation of the public.

II. MANAGEMENT STRUCTURE

Current management of the Gorge and its resources is fragmented and provincial. Resource management and land use decisions are made by nearly 50 local, state and federal government entities. Often jurisdictions and responsibilities overlap and conflict. Protection of scenic, natural and cultural values too often falls victim to other organizational objectives, competing interests and legal mandates. No single agency has the interest, authority or resources necessary to ensure coordinated regional protection of the area's unique values.

Judicious management of the Gorge dictates the need for a single management structure with the resources and authority necessary to establish and implement regional policies and directives.

The management structure must provide for the full and equal participation of all interests, national, state and local. No one level of government should dominate the management of the Gorge and its resources. The structure best suited to meet this need is the regional commission capable of impartially hearing and weighing input from all interested parties. A coordinated management plan embracing federal and non-federal lands should govern commission oversight.

The commission must be a citizens board. Its members must have an interest in the purposes of the act. They should be as free as possible from any entanglements or interests with existing management agencies or organizations. To appoint federal, state and local agency representatives or local elected officials would serve only to perpetuate the conflicts and rivalries inherent in the multiplicity of Gorge management agencies.

To ensure continuity in operations and familiarity with the Gorge, the commission should be of a reasonable size, allowing it to meet frequently and expeditiously.

III. BOUNDARIES

While several boundary options for the perimeter of the Gorge have been proposed, all have been generally based on a "viewshed" concept. In theory, they have included all lands visible from Interstate 84, the historic Columbia River Highway, Washington State Route 14 and the Columbia River. The western boundary of the Gorge has been defined in state law as the Sandy River in Oregon and the west end of Reed Island in Washington. The eastern boundary has been set at the Deschutes River in Oregon and the east end of Miller Island in Washington.

It has been proposed that the boundaries be extended to include portions of the larger Gorge tributary rivers outside of the viewshed area. While such extension would serve important other purposes, initial legislation should be confined to the management of the Gorge proper as defined by the viewshed concept. Legislation should authorize separate studies of the tributaries under the provisions of the federal Wild and Scenic River program. The eastern Gorge boundary in Washington, however, should be extended to include the grounds of Maryhill Museum, an important historic and cultural site traditionally associated with the Gorge.

One boundary issue which has garnered the most attention is whether incorporated cities should be excluded from any Gorge management area. The incorporated cities and special use areas are an integral part of the Gorge and contribute to the region's character. While it may be politically expedient to exempt cities, such an exemption fails to recognize the contribution or impact of urban areas on the region's character and overall integrity.

Granted, cities and even unincorporated communities are not pristine or undisturbed areas. They should not be judged by the same standards as the open and rural areas of the Gorge, but they should not be exempted. Legislation should recognize the urban nature of the cities and provide specific standards which are tailored to such urban qualities.

IV. INTERIM MANAGEMENT

Passage of any of the Gorge legislative proposals aired to date would initiate the process of developing a long-term regional management plan. Formulation of this plan, including data collection and evaluation, preparation and public hearings, will be a time consuming task, estimated to last from 30 to 36 months.

During this interim, poorly-planned or ill-conceived land use and resource management decisions could result in irreversible land use patterns which seriously damage the region's scenic and natural values and jeopardize the effectiveness of any long-term planning effort. Interim management guidelines are essential to avoid such problems and to provide a stable environment for long-term planning. Development and implementation of interim guidelines should be given a high priority. Legislation should clearly delineate the land and resource uses to be covered, the objectives of such standards and a schedule for their development and implementation.

To allow the management entity to focus on preparation of a long-term management plan, implementation of interim guidelines should be accomplished by existing regulatory agencies with the management entity in an oversight role. The 1982 Columbia Gorge Commissions' "Resource Management Plan" should be used as a basis for developing interim guidelines.

Finally, a moratorium should be placed on major development actions in unincorporated areas while the interim guidelines are being developed. Such a moratorium should be flexible, however, allowing review of land use proposals and approval of those considered consistent with the purposes of the legislation.

V. THE MANAGEMENT PLAN

The management plan is the key element in a regional management program. It must translate the general objectives and purposes of the legislation into specific regional goals, guidelines and directives which can be clearly understood and implemented by the numerous regulatory and planning agencies in the Gorge.

The legislation must clearly define all areas to be addressed in the plan. More specifically, legislation should require that the plan:

--Be based on detailed inventories, studies and analyses of Gorge resources, including use patterns and conflicts.

--Identify critical and sensitive lands. Such lands should include not only unique scenic, natural and cultural landmarks and features, but also lands necessary to retain the general ambience or overall character of the region. It must clearly delineate why specific land areas are designated sensitive or critical, identify land or resource uses which jeopardize these lands, and establish protection objectives.

--Provide a program for the protection of critical and sensitive lands in accordance with established objectives. It should recognize historical land uses and property rights by carefully matching protection strategies to the values requiring protection. This will ensure that protection measures are no more restrictive than necessary to meet established objectives.

--Contain goals, guidelines, standards and maps for a variety of land uses, including residential, commercial, industrial, forest, agriculture, recreation, mining, and utilities. Such standards should differentiate between rural and urban area.

--Provide a regional program for coordination of public recreation, education and interpretation.

--Establish procedures for involving federal, state and local government entities in the review of the plan's provisions and their implementation.

--Provide procedures for the periodic review and update of the plan.

--Provide procedures for boundary changes.

--Provide for economic planning and assistance in support of local communities in cooperation with existing economic development entities.

--Provide a program for managing acquired lands.

The legislation should provide the opportunity and resources necessary for the full and ongoing pariticipation of local, state and federal government entities and the general public in the preparation and subsequent revision of the plan.

VI. SCHEDULE FOR ACTION

Legislation must provide a schedule for action embracing key tasks, including appointments, preparation of interim guidelines, preparation of the management plan, and implementation of the management plan. The schedule should take into consideration resources available and the need to provide an opportunity for public participation.

VII. IMPLEMENTATION AND ADMINISTRATION

Much of the authority for implementation of the management plan currently resides in existing regulatory and land management agencies. Missing, however, is the overall direction, and in some instances, the resources to ensure effective and timely implementation. While lands acquired under federal legislation may appropriately be under the management of a federal agency, the management of non-federal lands should be carried out by a commission representing national, state and local interests.

To avoid duplication of authority and effort, the legislation should capitalize on the authority, experience and skill of existing agencies by providing the direction and resources to allow implementation of the management plan by existing agencies. While the ultimate authority for ensuring implementation should rest with the management entity, this body should serve in a coordinating and oversight role, reviewing and approving agency plans and stepping in only when an existing agency fails to act accordingly. This would allow the management entity to focus more closely on specific problem areas or issues where no other agency has jurisdiction.

In general, the same approach used for implementation should also be extended to enforcement. Specifically, existing regulatory agencies must enforce their plans once approved. The management entity must take enforcement action in instances where no other agency has jurisdiction or when a regulatory agency acts in a manner contrary to the provisions of the legislation or management plan.

Finally, in the day-to-day administration of the legislation, it must be anticipated that some actions of the management entity will be appealed, either by members of the public or another agency. While the final recourse for any such appeal will be the courts, there needs to be an intermediate level of appeal...one which will be both speedy, economical and easily accessible. This appeals process must also be impartial, not only in action, but also in appearance. The hearings body must be independent of the influence of the management entity. This need would be best served through the use of a hearings officer or administrative law judge.

VIII. PROTECTION MEASURES

The diversity of the region's scenic and natural values, land uses and land ownership patterns require the use of an equally diverse array of protection and conservation methods, including land use standards and controls, incentives and subsidies, land exchanges, less than fee acquisitions such as scenic easements and development rights, and fee title acquisition.

Protection and conservation methods must be carefully selected to meet not only protection or public use objectives, but also to protect traditional land and resource uses and private property. For example, acquisition of a parcel for the sole purpose of protecting scenic quality may unnecessarily preclude private ownership and utilization of the land and its associated resources. Homes and farms must be exempt from condemnation so long as the existing character of such uses is not changed significantly.

Land use controls or the acquisition of scenic easements may achieve the desired protection of scenic quality while maintaining private ownership and, albeit limited to some degree, use of the land and its resources. Incentives and subsidies could also assist in achieving scenic protection objectives by offsetting scenic management and design costs.

In general, land use controls and less-than-fee acquisition should be given priority over fee title acquisition, due to the above mentioned capability of such measures to meet protection objectives and maintain private ownership and historic resource uses. Fee title acquisition, particularly through the use of eminent domain, should be restricted to instances where no other protection or conservation method is adequate or feasible. Such instances would include the protection of critical natural and cultural areas where other methods would unfairly restrict or penalize the landowner, and the development of public recreation and interpretive facilities. Finally, if acquisition is found to be the appropriate protection method, measures should be implemented to ensure that the action is completed promptly and equitably so as not to impose any undue hardship on the seller.

Local governments and other taxing disticts should be reimbursed for any loss of tax revenue resulting from acquisition.

IX. PUBLIC INVOLVEMENT AND PARTICIPATION

The process of developing and implementing a management program for the Gorge must provide for public involvement and participation in all phases. Gorge residents and concerned citizens must be given the opportunity to participate in the development of the management program which will directly affect their lives and livelihood.

Legislation should provide for a public involvement program which will include a broad cross-section of affected citizens representing a balance of interests and geographic areas. It should provide for public involvement in all phases of the planning process and should not confine such involvement solely to formal hearings. It should specify the use of citizen advisory committees.

Legislation should require that technical planning and resource information be easily available to the public and that it be provided in a timely and readily understandable form. It should require effective two-way communication between the management entity and the public. The management entity should be required to acknowledge recommendations from citizen involvement and to clearly document on the record the rationale used in reaching major policy decisions.

X. FUNDING

Funding for the timely development and implementation of a management program is essential. Insufficient funding will only delay and seriously jeopardize the success of any protection effort. Poorly-planned or ill-conceived land use practices could outpace measures to prevent them, and property owners could face prolonged uncertainty over the use of their land and its resources.

Senator **Hatfield**. Thank you very much.

Senator Evans, did you have questions?

Senator **Evans**. First, I commend the two commissions who you and your predecessors have worked for for a very long time with quite limited authority, but have probably been the single thread that has hooked together these generation-to-generation efforts to preserve the Columbia River Gorge, and I commend you for that.

The testimony has a number of quite specific proposals which I think can be a real help. Do you feel that you can translate those proposals into legislative language? If that is possible, it would be helpful; using again S. 2055 as a base so we are all working from one base, those in an amendment form would be very helpful to us.

Mr. **Powell**. That information I think has been or will be submitted to you.

Senator **Evans**. Good. That will be very helpful.

Thank you, Mr. Chairman.

[The information follows:]

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July 7, 1986

Tony Bevinetto
Senate Committee on Energy and
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Room SD-360
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Washington, D.C. 20510

Re: Proposed Amendments to S.2055

Dear Mr. Bevinetto:

At the June 17, 1986 Subcommittee hearing on S.2055, Senator Evans requested that the Columbia River Gorge Commissions submit their recommended revisions to the bill in the form of detailed amendment language. The enclosed report contains our recommended amendments to S.2055 and is provided for consideration by the Subcommittee and for inclusion in the hearing record.

If you have any questions or comments on our recommendations, please do not hesitate to contact me.

Sincerely,

Jeffrey P. Breckel

Jeffrey P. Breckel, Director

PROPOSED AMENDMENTS TO S.2055

Submitted by
Oregon and Washington Columbia River Gorge Commissions

July 2, 1986

INTRODUCTION

This report presents amendments to S.2055 proposed by the Oregon and Washington Columbia River Gorge Commissions. The amendments are based on the recommendations and findings contained in the Commissions' report on Gorge legislation issued on May 22, 1986.

SECTION 1 - Short Title and Table of Contents

A. Page 1 - Revise the table of contents to read:

Sec. 1. Short title and table of contents
Sec. 2. Definitions
Sec. 3. Findings of purposes
Sec. 4. Establishment of the scenic area
Sec. 5. The Columbia Gorge Commission
Sec. 6. Scenic area management plan
Sec. 7. Adoption of implementing measures
Sec. 8. Public involvement and participation
Sec. 9. Land acquisition
Sec. 10. Interim management
Sec. 11. Columbia Gorge Development Council and fund
Sec. 12. Old Columbia River Highway
Sec. 13. Tributary rivers and streams
Sec. 14. Enforcement
Sec. 15. Authorization of appropriations
Sec. 16. Savings provisions
Sec. 17. Severability.

SECTION 2 - Definitions

A. Page 2, lines 3 through 5 - Revise the definition of agricultural lands to read:

(a) "agricultural lands" means lands used for the production or related small scale processing of crops, fruits, or other agricultural products or for the sustenance of livestock.

B. Page 2, lines 16 through 19 - Revise the definition of development corporation to read:

(e) "Development Council" or "Council" means Columbia Gorge Development Council established pursuant to section 11 of this Act.

C. Page 3, lines 1 through 3 - Revise the definition of forest land to read:

(f) "forest lands" means commercial and non-commercial forest lands and lands used for the production of forest products.

D. Page 3, lines 4 through 12 - Revise the definition of implementation measures to read:

(g) "implementation measures" means land use and resource management plans, policies, programs and regulations adopted pursuant to section 7 of this Act.

E. Page 3, lines 13 through 17 - Revise the definition of major development actions to read:

(h) "major development actions" means--

(1) subdivisions, partitions and short plats;

(2) permits for the siting, development, or construction of residential, commercial, and industrial facilities; mineral and rock extraction operations; and public, transportation, communication and utility facilities.

F. Page 3, lines 23 and 24 - Revise the definition of natural areas to read:

(k) "Natural Areas" means areas which are in a predominately undeveloped state.

G. Page 4, lines 8 through 14 - Revise the definition of private forest land owner to read:

(n) "Private Forest Land Owner" means any owner of a forest land parcel at least forty acres in size within a Special Management Area.

H. Page 5, lines 1 and 2 - Revise the definition of unimproved forest lands to read:

(s) "unimproved forest lands" means any parcel of land on which no residence or other major structure exists.

SECTION 3 - Findings and Purposes

A. Page 6, lines 8 through 11 - Revise to read:

(7) The remaining segments of the old Columbia River Highway between Troutdale and The Dalles, Oregon are of national significance.

B. Page 6, line 17 - Strike the words "must be assured" and replace them with "should not be jeopardized."

C. Page 7, lines 1 through 4 - Revise to read:

(11) The Columbia River Gorge contains important wildlife and anadromous fish resources which are of benefit to the Pacific Northwest and the Nation.

D. Page 7, line 11 - Strike the world "Federal."
Page 7, line 14 - Strike the word "and."
Page 7 - Add the words "and recreation" at the end of line 15.

E. Page 8, line 9 - Strike the word "would" and replace it with "should."

SECTION 4 - Establishment of the Scenic Area

A. Page 11, line 17 - Strike the word "Catherine" and replace it with "Major."

B. Page 11 - Add the following sentence at the end of line 24.

"The boundaries of the Special Management Areas may be revised pursuant to the provisions of this section."

C. Page 12, line 1 - Add the following new subsection (c) and renumber the remaining subsections accordingly:

(c) REVISION OF SPECIAL MANAGEMENT AREA BOUNDARIES--Based on the critical lands criteria and resource inventory developed pursuant to section 6 of this Act, the Secretary in consultation with the Commission may revise the boundaries of the Special Management Areas. Such revisions shall not result in a change in the total acreage of Special Management Areas established at the date of enactment of this act.

D. Page 12, line 1 - Strike the word "and" and add the words "and communities" following the word "towns."

E. Page 12, line 14 - Insert the words "or city" following the word "county."
Page 12, line 16 - Add the words "to include additional lands outside of Special Management Areas" following the word "Act."

F. Page 13, line 9 - Add the words "or have a significant adverse impact on scenic, natural, recreational, or cultural values" following the word "Areas."

SECTION 5 - The Columbia Gorge Commission

A. Page 15, line 17 - Strike the reference to subsection (a)(2) and replace it with a reference to subsections (a)(1)(C)(ii) and (iii).

B. Page 17, line 14 - Strike the word "or."
Page 17, line 19 - Insert the word "or" at the end of line 19 and add the following:

(D) the Commission fails to substantially fulfill its responsibilities assigned in this Act.

C. Page 19 - Strike lines 6 through 9.

SECTION 6 - Adoption of the Scenic Area Management Plan

A. Page 19, line 10 - Revise the title of this section to read:

Sec. 6 SCENIC AREA MANAGEMENT PLAN.

B. Page 19, line 11 - Add the following new subsection (a) and renumber remaining subsections accordingly:

(a) PREPARATION OF THE MANAGEMENT PLAN--The Secretary and the Commission shall cooperatively prepare a single management plan for the Scenic Area in order to accomplish the purposes of this Act. The management plan shall be prepared in accordance with this section and the provisions for public involvement contained in section 8 of this act.

C. Page 19, lines 11 through 16 - Strike the two sentences beginning with the word "within two years..." and ending with the word "...from each state."

D. Page 19, line 19 - Strike the words "enactment of this Act" and replace them with "establishment of the Commission."
Page 19, line 22 - Strike the word "all."

E. Page 20, line 1 - Add the following subsection (2) and renumber the remaining subsections accordingly:

(2) CRITICAL AND SENSITIVE LANDS--

(A) The Secretary and Commission shall jointly develop criteria for the identification of critical and sensitive lands throughout the scenic area. Critical lands shall include significant scenic, natural, historical, cultural and archaeological features and landmarks. Sensitive lands shall include those areas important for the retention of the region's overall scenic and natural character.

(B) Based on the results of the resource inventory prepared pursuant to subsection (b)(1) and the criteria developed pursuant to subsection (b)(2)(A), the Secretary and Commission shall identify and map critical and sensitive lands. Such designations shall be used to guide in the application of land use designations and standards and as a basis for revisions to Special Management Area boundaries provided for in subsection (c) of section 4 of this Act.

F. Page 20 - Delete lines 1 through 13 and add:

(3) LAND USE DESIGNATIONS, STANDARDS, AND GUIDELINES--Based on the resource inventory developed pursuant to subsection (b)(1), the critical and sensitive lands identification accomplished pursuant to subsection (a)(3) and the standards established in subsection (c) of this section, the Commission and Secretary shall jointly develop general land use classification designations and detailed standards and guidelines for specific land and resource uses. The land use designations, standards and guidelines--

(A) Shall be applied to all non-federal lands by the Commission. Application of land use designations, standards and guidelines to non-federal lands within the Special Management Areas shall be done by the Commission with the concurrence of the Secretary and shall not interfere with or detract from the Secretary's plans for acquisition and management of federal lands.

(B) Shall be applied by the Secretary to federal lands.

(C) Shall not apply within the Urban Areas established in section 4(d) of this Act.

G. Page 20 - Delete lines 14 through 23 and insert:

(4) PROCEDURES FOR THE ADOPTION OF IMPLEMENTING MEASURES--Implementation measures shall include all local, state and federal land use or resource management plans, programs, policies or regulations which apply within the Scenic Area. The Commission shall develop procedures for the preparation and approval of implementing measures for non-federal land use and resource management actions. The Secretary shall prepare procedures for the preparation and approval of implementing measures for federal land use and resource management actions. These procedures shall be consistent with the provisions of section 7 of this Act.

H. Page 21, line 10 - Strike the works "boat launch facilities."
Page 21, line 11 - Insert the words "and operated" following the word "constructed."

I. Page 21 - Insert the following subsection (6) after line 12:

(6) COOPERATIVE LAND ACQUISITION PLAN--The Secretary shall in consultation with the Commission develop a plan for the acquisition of non-federal lands and interests in lands within the Special Management Areas. The plan shall also include lands to be acquired outside Special Management Areas for the public use facilities identified in the recreation plan described in subsection (b)(5) of this section. The Secretary shall give preference to acquisition of less than fee interests in lands. Full fee acquisition should only be used when less than fee methods are unable to accomplish management objectives. The Commission shall in consultation with the Secretary prepare a plan for the acquisition of less than fee interests in lands outside of Special Management Areas and Urban Areas.

J. Page 21, line 14 - Strike the words "include provisions which are" and substitute the word "be."

K. Page 21 - Insert the following sentence after line 22:

"The management plan shall discourage conversion of agricultural lands to uses not expressly permitted in this subsection."

L. Page 22 - Insert the following sentences after line 1:

"The management plan shall prescribe scenic quality objectives and design standards for forest management practices. Such objectives and standards shall ensure that forest management practices within the Special Management Areas will have no adverse impact on scenic, natural, cultural, or recreational values. Outside of Special Management Areas the standards shall ensure no significant adverse impacts."

M. Page 22, line 6 - Insert the following sentence after the word "supply:"

"The management plan shall discourage the conversion of forest lands to uses not expressly permitted in this subsection."

N. Page 22 - Delete lines 7 through 17 and insert:

(A) The management plan shall provide for the protection and enhancement of open spaces, scenic, cultural and historic areas, and natural resources, including:

(i) fish, wildlife, and native plant habitat;

(ii) ecologically and scientifically significant natural areas;

(iii) outstanding views and sites;

(iv) water areas and wetlands;

(v) cultural and historic areas, sites, structures and objects;

(vi) potential and existing recreation resources; and

(vii) approved Federal wild and scenic waterways and State scenic waterways.

(B) The management plan shall designate lands suitable or necessary for the protection and enhancement of open space, scenic, cultural and historic areas and natural resources.

O. Page 22 - Delete lines 24 and 25.
Page 23 - Delete lines 1 through 13 and insert the following subsection:

(5) COMMERCIAL AND INDUSTRIAL DEVELOPMENT--The management plan shall require new industrial development to take place in Urban Areas. The management plan shall require new commercial development to take place in Urban Areas except--

(A) Within the existing communities of Prindle, Skamania, Underwood, Home Valley, Dodson, Warrendale, Bridal Veil, Corbett and Rowena if new commercial development will not have a significant adverse impact on the scenic, natural, cultural and recreation values of the Gorge;

(B) Outside Urban Areas and the above listed communities, if a need for such a location can be demonstrated and if the development will have no adverse impact on scenic, natural, cultural and recreational values.

P. Page 23 - Delete lines 14 through 23 and insert the following:

(6) RESIDENTIAL DEVELOPMENT--

(A) The management plan shall direct medium and high density residential development into Urban Areas.

(B) In Special Management Areas, further subdivision or partitioning of land for residential purposes shall be prohibited. New single family residential construction may be permitted on lots of record at the date of enactment of this Act provided that such development will have no adverse impact on scenic, natural, cultural and recreational values.

(C) In the scenic area outside Special Management Areas and Urban Areas, the management plan shall allow residential development actions if such actions will have no significant adverse impact on scenic, natural, cultural and recreation values.

Q. Page 23 - Delete lines 24 and 25.
Page 24 - Delete lines 1 through 12 and insert the following subsection:

(7) EXTRACTIVE RESOURCES--

(A) The management plan shall designate areas for the extraction of mineral resources outside the Special Management Areas, consistent with the purposes of the Act. Surface mining on lands within the Special Management Areas shall be prohibited.

(B) Surface Mining outside the Special Management Areas shall be permitted only if such operations do not have a significant adverse impact on the scenic, cultural, recreational, and natural values of the Scenic Area. Such operations shall be subject to approved reclamation plans.

R. Page 24 - Delete lines 13 through 25.
Page 25 - Delete lines 1 through 5 and insert the following subsection:

(8) TRANSPORTATION, COMMUNICATION, ENERGY PRODUCTION, AND UTILITY FACILITIES--

(A) In Special Management Areas new transportation, communication, energy production, and utility facilities shall be permitted if they will have no adverse impact on scenic, natural, cultural, and recreation values. The management plan shall prescribe standards to minimize adverse impacts from existing facilities.

(B) Outside of the Special Management Areas and Urban Areas new transportation, communication, energy production and utility facilities shall be permitted if they will have no significant adverse impact on scenic, natural, cultural and recreation values. The management plan shall prescribe standards to minimize adverse impacts from existing facilities.

S. Page 25, line 6 - Strike the words "AND PUBLIC INVOLVEMENT" from the title of subsection (c).
Page 25, lines 10 through 12 - Strike the sentence beginning with the words "The Secretary..."

T. Page 25 - Insert the following subsection after line 12 and renumber the remaining subsections accordingly:

(d) ADOPTION OF THE MANAGEMENT PLAN BY THE COMMISSION - The Secretary and Commission shall complete a draft management plan and conduct public hearings on the draft plan within two and a half years of the establishment of the Commission. Within 60 days following the last public hearing, the Commission shall adopt the management plan by a majority vote of the members appointed from each state.

U. Page 26, line 7 - Strike the words "two-thirds of its membership" and substitute the words "a majorty of the membership appointed from each state plus one vote by a member from either state."

V. Page 26, line 10 - Add the words "and consistent with the purposes of the Act" following the word "section."
Page 26, line 13 - Strike the word "revise" and insert the words "review, and if necessary, revise."

W. Page 26 - Insert the following new subsection after line 22:

(g) In the event the Commission fails to adopt a management plan within two years and eight months after establishment of the Commission pursuant to provisions of this section, the Secretary shall prepare and implement the plan. The management plan prepared by the Secretary shall be consistent with the provisions of this section and the purposes of the Act. If the Commission subsequently adopts a management plan consistent with the standards in this section and the purposes of this Act, such management plan shall supersede the management plan prepared by the Secretary.

SECTION 7 - Adoption of Scenic Area Zoning Ordinances

A. Page 26 - Delete lines 24 and 25.
Page 27 - Delete lines 1 through 25.
Page 28 - Delete lines 1 through 22.

B. Page 28, line 22 - Insert the following new section:

SEC. 7. ADOPTION OF IMPLEMENTING MEASURES

(a) COUNTY LAND USE PLANS, POLICIES, AND ORDINANCES--

(1) Within sixty days of receipt of the final management plan, each county shall submit to the Commission a letter stating that it proposes to complete land use plans, policies and ordinances consistent with the management plan. If any county fails to submit such letter or fails to adopt land use plans, policies and ordinances as provided in subsection (2) of this section, the Commission shall carry out the requirements of subsection (3) of this section.

(2) (A) Within one year of receipt of the final management plan or revisions thereto from the Commission, each county shall develop or revise land use plans, policies and ordinances to be consistent with the management plan and the purposes of the Act.

(B) Each county upon approval of land use plans, policies and ordinances shall prompty submit such plans, policies and ordinances to the Commission.

(C) The Commission shall, within ninety days after receipt of the land use plans, policies and ordinances therefrom, approve the same unless it determines that they are inconsistent with the management plan and the purposes of the Act.

(D) If approval is denied, the Commission shall state the reasons for finding the land use plans, policies and ordinances inconsistent with the management plan or Act, and shall submit to the county suggested modifications to eliminate the inconsistencies.

(E) Each county shall have ninety days after it receives recommendations from the Commission to make modifications designed to eliminate the inconsistencies and to resubmit the land use plans, policies and ordinances to the Commission for approval. Any resubmitted land use plans, policies and ordinances shall become effective upon approval by the Commission.

(F) In the event a county has not complied with the requirements of this section, it may thereafter upon written notice to the Commission elect to adopt land use plans, policies and ordinances, in which event it shall comply with the provisions of this section for adoption of such measures. Upon approval of land use plans, policies and ordinances by the Commission, the regulations shall supersede any regulations for the county developed by the Commission subject to valid existing rights.

(3) In the event a county fails to comply with the provisions of this section, the Commission shall make and publish regulations setting standards for the use of non-Federal lands within the boundaries of the National Scenic Area, excluding Urban Areas identified in section 4(d) of this Act. The regulations shall have the object of assuring that the use of such non-Federal land is consistent with the management plan and the purposes of the Act. The regulations may differ among the several parcels of land within the boundaries of the Scenic Area. The regulations may from time to time be amended by the Commission.

(4) Upon adoption of any revision or variance to a land use plan, policy or ordinance approved by the Commission, the county shall promptly submit such revisions or variances to the Commission for approval in accordance with the provisions of subsection (2) of this section.

(b) URBAN AREA PLANS, ORDINANCES AND MAJOR DEVELOPMENT ACTIONS--Counties and Cities shall promptly advise the Commission of significant revisions to land use plans, policies and ordinances proposed for Urban Areas and of major development actions proposed for Urban Areas. The Commission shall review and comment on such actions. Commission comments and recommendations shall be advisory in nature and shall identify measures to protect or enhance scenic, natural, cultural and recreation values.

(c) STATE AGENCY PLANS AND PROGRAMS--

(1) No department or agency of the states of Oregon or Washington may undertake or assist any project, adopt any program or grant any license, permit or other form of approval for any project or action affecting land use or resource values within the area unless the Commission determines that the project is consistent with the purposes of this Act and with the management plan or the interim guidelines, or that such project is essential for the protection of public health or safety.

(2) Except as may otherwise be provided in the interim guidelines or the management plan, subsection (c)(1) shall not apply to--

(A) Any temporary structure to be used only for emergency humanitarian assistance;

(B) Any construction, reconstruction, or modification that commenced before the date of the enactment of this Act; or

(C) Any repair or reconstruction of a building or facility the original construction of which commenced before such date of enactment.

(3) Construction, reconstruction, or modification shall be treated as commencing only when there is either--

(A) A continuous program of physical onsite construction, reconstruction or modification; or

(B) The owner of the building or facility has entered into binding agreements or contractual obligations for such construction, reconstruction, or modificationtion which cannot be canceled or modified without substantial loss to the owner.

(4) Not less than sixty days prior to undertaking or assisting a project, adopting any program or granting any license, permit or other form of approval for any project or action which will affect land use or resource values within the area, the department or agency proposing to take such action shall notify the Commission of its proposal. The Commission shall, after notice and opportunity for public comment, make a determination respecting the consistency of the activity described in subsection (c)(1) with the purposes of this Act and with the management plan or interim guidelines and standards. When the Commission determines that any activity is consistent or inconsistent with the purposes of this section or with the plan, it shall notify the agency proposing to undertake, assist, license or approve the activity. No activity shall proceed without Commission approval.

(d) Federal actions--

(1) No department, agency or instrument of the United States may undertake or assist any project, adopt any program or grant any license, permit or other form of approval for any project affecting land use or resource values within the area unless the Secretary, in consultation with the Commission, determines that the project is consistent with the purposes of this Act and with the management plan or the interim guidelines, or that such project is essential for national security or defense.

(2) As used in paragraph (d)(1), the term "assist" includes--

(A) The sale of any flood insurance under the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.);

(B) Any assistance provided by a department, agency or instrumentality of the United States to a State or local government where such State or local government uses such assistance for purposes of a project described in paragraph (1); and

(C) Any grant, loan, loan guarantee, or any other form of direct or indirect technical or financial assistance.

(3) Except as may otherwise be provided in the interim guidelines or the management plan, subsection (d)(1) shall not apply to--

(A) Any building or facility to be used for any military purpose;

(B) Any temporary structure to be used only for emergency humanitarian assistance;

(C) Any construction, reconstruction, or modification that commenced before the date of the enactment of this Act; or

(D) Any repair or reconstruction of a building or facility the original construction of which commenced before such date of enactment.

(4) Construction, reconstruction, or modification shall be treated as commencing only when there is either--

(A) A continuous program of physical onsite construction, reconstruction, or modification; or

(B) The owner of the building or facility has entered into binding agreements or contractual obligations for such construction, reconstruction, or modification which cannot be canceled or modified without substantial loss to the owner.

(5) Not less than sixty days prior to undertaking or assisting a project, adopting any program or granting any license, permit or other form of approval for any project or action which will affect land use or resource values within the area, the department or agency proposing to take such action shall notify the Secretary of its proposal. The Secretary shall, after notice and opportunity for public comment, make a determination respecting the consistency of the activity described in subsection (d)(1) with the purposes of this Act and with the management plan or interim guidelines and standards. When the Secretary determines that any activity is consistent or inconsistent with the purposes of this section or with the plan, it shall notify the agency proposing to undertake, assist, license or approve the activity. No activity shall proceed without the approval of the Secretary.

(e) ASSISTANCE TO COUNTIES--The Secretary shall provide technical assistance and grants to counties for the development of implementation measures and revisions thereof: Provided, That such grants shall not exceed 75 per centum of the cost of developing or revising the implementation measures and shall be made only upon application of the Commission, on behalf of the county: Provided further, That in the event a county fails to obtain approval of implementation measures or revisions thereof within three years after the date funds are first provided under this subsection for the development or revision of implementation measures, the Secretary shall terminate all Federal assistance for any participation in the development or revision of such implementation measures, and may obtain reimbursement or offset from the county of all Federal funds granted under this subsection.

(f) ASSISTANCE FOR URBAN AREA PLANNING--The Secretary may provide technical assistance and grants to counties and cities for the development of Urban Area enhancement programs and design standards subject to the conditions described in subsection (e) of this section.

(g) PAYMENTS TO COUNTIES--

(1) Notwithstanding the provisions of the Act of May 23, 1908 (c. 192, 35 Stat. 251, as amended; 16 U.S.C. 500), and of section 13 of the Act of March 1, 1911 (c. 186, 36 Stat. 961, as amended; 16 U.S.C. 500), the amount which is paid under such provisions to the State of the Oregon with respect to the Gates of the Columbia Gorge Special Management Area, Mt. Hood National Forest, and to the State of Washington with respect to the Special Management Areas within the Gifford Pinchot National Forest, shall be expended for the benefit of any public purpose of any county which has adopted implementation measures pursuant to this Act.

(2) Subsection (f)(1) of this section shall not apply--

(A) To any amount paid by the Secretary of the Treasury under the provisions of law referred to in subsection (f)(1) at the end of any fiscal year ending before the date of enactment; or

(B) For a particular county, if the Commission determines after notice and public hearing, that such county has taken any final action or order which is inconsistent with the management plan or any regulations, guidelines or standards issued or other actions taken by the Secretary or the Commission under this Act.

(h) LAND ACQUISITION GRANTS--

(1) The Secretary is authorized to make grants to the States of Oregon and Washington for he acquisition of lands and waters and interests therein within the National Scenic Area.

(2) The grants authorized by subsection (g)(1) of this section shall--

(A) Be made in a manner consistent with the requirements of the Land and Water Conservation Fund Act (16 U.S.C. 4601-4 et seq.);

(B) Not exceed 75 percent of the total cost of all property acquired by each State pursuant to this subsection;

(C) Be supplemental to any other Federal financial assistance for any

(D) Be subject to such additional terms and conditions as the Secretary may deem necessary to effectuate the purposes of this Act.

SECTION 8 - Administration of the Special Management Areas

A. Page 29 - Delete lines 1 through 26.
Page 30 - Delete lines 1 through 25.
Page 31 - Delete lines 1 through 25.
Page 32 - Delete lines 1 through 24.
Page 33 - Delete lines 1 through 15.
Provisions of Section 8 have been incorporated in the provisions of Sections 6 and 7.

B. Page 33 - Insert the following new section after line 15.

Sec. 8. PUBLIC INVOLVEMENT AND PARTICIPATION--The Secretary and Commission shall jointly prepare and adopt a public involvement and participation program which shall--

(a) Provide for public involvement and participation in all phases of the development and subsequent revision of the management plan;

(b) Provide for the involvement of a broad cross-section of affected citizens representing a balance of interests and geographic areas;

(c) Ensure that technical planning and resource information is easily available to the public and is provided in a timely and readily understandable form;

(d) Utilize citizen advisory committees and hearings and general informational meetings to explain the planning process and solicit public comment; and

(e) Acknowledge recommendations from citizen involvement and clearly document on the record the rationale used in reaching major policy decisions.

SECTION 9 - Land Acquisition

A. Page 33 - Delete lines 17 through 20 and renumber remaining subsections accordingly.

B. Page 34, line 2 - Insert the following after the words "...of this Act.":

"Fee title acquisition of land should be limited to instances where less-than-fee acquisition methods are unable to meet management objectives or the purposes of the Act."

C. Page 34, line 10 - Insert the following after the words "...Federal Register.":

"Outside the Special Management Areas and Urban Areas, the Secretary is authorized when requested by the Commission to acquire less-than-fee interests in lands including scenic and conservation easements and development rights. The Secretary in consultation with the Commission shall develop interim standards to guide acquisition prior to the adoption of the acquisition plan described in

Section 6 of this Act."

D. Page 34, line 11 - Strike the words "subsection (a)" and insert the words "section 6 of this Act."

E. Page 34, line 14 - Strike the words "State of Washington" and insert the words "states of Washington or Oregon, counties."

F. Page 35, line 7 - Strike the words "three years after the date of enactment of this Act" and insert the words "five years after the completion of the acquisition plan described in section 6 of thir Act."

G. Page 36, line 15 - Insert the following after the word "property."

"The Secretary shall have three years after the date of receiving a bonafide offer to sell a given parcel of land at fair market value to complete the acquisition of the subject parcel; Provided, That for offers made prior to the adoption of the acquisition plan described in section 6 of this act, the three year period shall commence on the date of adoption of the acquisition plan. If the Secretary fails to complete the acquisition within the three year period, the parcel shall be excluded from the Special Management Area, unless the landowner agrees to an extension of time to complete the acquisition."

SECTION 10 - Interim Management

A. Page 37, line 10 - Strike the words "section 8" and insert the words "Section 6."

B. Page 37, line 11 - Strike the words "new residential."

C. Page 37, lines 13 and 14 - Strike the words "the recommendations of the governing body of a county regarding."

D. Page 37, line 18 - Strike the words "which would substantially impair or detract from" and insert the words "would have an adverse impact on."

E. Page 37, line 22 - Insert the words "or agency" after the word "county."

F. Page 37 - Add the following after line 23:

(c) The Commission shall assume interim management functions of subsection (a)(2)(A) for non-federal lands within the Special Management Areas upon the adoption of interim guidelines acceptable to the Secretary.

G. Page 37, line 25 - Strike the words "enactment of this Act" and insert the words "establishment of the Commission."

H. Page 38, lines 1 and 2 - Strike the words "within the National Scenic Area, except for the Special Management Areas and" and insert the words "on non-federal lands within the National Scenic Area except for."

I. Page 38, line 3 - Strike the words section 4(c) and insert the words 4(d).

J. Page 38, line 3 - Insert the following after the word "Act":

"The Commission shall obtain the concurrence of the Secretary on interim guidelines for non-federal lands within the Special Management Areas."

K. Page 38, line 4 - Add the words "and affected state agencies" following the word "county."

L. Page 38, line 7 - Strike the words "zoning ordinances for each county" and insert the words "implementing measures."

M. Page 38, line 10 - Strike the words "section 4(c)" and insert the words "section 4(d)."

N. Page 38, lines 11 and 12 - Strike the words "recommendations of the governing body of each county regarding."

O. Page 38, lines 16 and 17 - Strike the words "which would substantially impair or detract from" and insert the words "would have a significant adverse impact on."

SECTION 11 - Columbia Gorge Development Corporation

A. Page 38 - Strike lines 23 through 25.
Page 39 - Strike lines 1 through 25.
Page 40 - Strike lines 1 through 25.
Page 41 - Strike lines 1 through 25.
Page 42 - Strike lines 1 through 18.

B. Page 38, line 23 - Insert the following new section:

Sec. 11 COLUMBIA GORGE DEVELOPMENT COUNCIL AND FUND--

(a) There is established a Columbia Gorge Development Council and Fund to promote and facilitate economic development activities which are consistent with the purposes of this act, and in doing so, to:

(1) Further the protection of the region's scenic, natural, cultural and historic resources;

(2) Protect and enhance the economy of Gorge communities;

(3) Recognize and promote historic as well as new economic pursuits which are compatible with the region's scenic, natural and cultural resources;

(4) Enhance the potential for tourism; and

(5) Encourage growth to occur within existing communities.

(b) (1) The Council shall consist of 12 members appointed as follows:

(A) Six members, comprised of one resident from each of the following: Multnomah County, Oregon; Hood River County, Oregon; Wasco County, Oregon; Clark County, Washington; Skamania County, Washington; and Klickitat County, Washington, to be appointed by the governing body of each of the respective counties: Provided, That in the event the governing body of a county fails to appoint a member who resides within such county, the Governor of the State in which the county is located shall appoint such member;

(B) Two members who reside in the State of Oregon and representing Gorge business or banking, to be appointed by the Governor of Oregon;

(C) Two members who reside in the State of Washington and representing Gorge business or banking, to be appointed by the Governor of Washington;

(D) One member representing Oregon state economic development programs, to be appointed by the Governor of Oregon; and

(E) One member representing Washington state economic development programs, to be appointed by the Governor of Washington.

(2) Initial appointment shall be made within 180 days of enactment of this Act.

(3) (A) Except as provided in paragraph (B) of this subsection, members shall be appointment for terms of two years. A member may be reappointed only three times unless a member was appointed to fill a vacancy pursuant to subsection (b)(3)(C) of this section, in which case a member may be reappointed four times.

(B) Of the members first appointment pursuant to subsection (b)(1) of this section, those appointed pursuant to subsection (b)(1)(A) shall be appointed to first terms of three years.

(C) Any vacancy in the Council shall be filled in the same manner in which the original appointment was made. Any member appointed to fill a vacancy shall serve for the remainder of the term for which his predecessor was appointed. Any member may serve after the expiration of his/her term for a period of not longer than thirty days.

(4) The members of the Council shall select a chairman from among themselves. The Council shall meet at least once a month at the call of the chairman or a majority of its members. Seven members of the Council shall constitute a quorum.

(5) The members of the Council shall not be deemed to be officers or employees of the United States for any purpose. The compensation of Council members shall be fixed by state law.

(c) The Commission established pursuant to Section 5 of this Act shall provide staff support as necessary to the Council. The Council is authorized to utilize economic development programs for the states of Oregon and Washington in distributing funds discussed in subsections (d) and (e) of this section.

(d) (1) The Secretary may loan funds to the Council for the purpose of establishing a low interest revolving loan fund. The loan to the Council shall have a maturity of thirty-five years. At the end of such period, the Council shall repay to the Secretary of Treasury for deposit in the general fund of the Treasury the full amount of the loan plus any additional amounts accruing to the Council pursuant to this subsection less those amounts expended by the Council for reasonable administrative expenses.

(2) The Council may obligate the funds received from the Secretary for loans and administrative expenses deemed reasonable by the Secretary. Loans by the Council shall be made in accordance with the following conditions:

(A) Loans must be for purposes located within the National Scenic Area boundary, described in section 4 of this Act;

(B) Loans may be made to private entities and local governmental units;

(C) Prior to loan approval, the Council shall require the prospective borrower to furnish a statement from the Commission stating that the Commission has reviewed the loan application and has determined that any loan received by the prospective borrower will be expended in a manner consistent with:

(i) The purposes of this Act;

(ii) The management plan developed pursuant to section 6 of this Act; and

(iii) Land use regulations developed pursuant to section 7 of this Act.

(D) Prior to loan approval the Council shall determine that:

(i) The borrower has sufficient financial resources to repay the obligation; and

(ii) The borrower satisfies applicable credit criteria established by the Council.

(E) Loans shall be made only for use in counties which have adopted and received Commission approval of implementation measures pursuant to this Act.

(F) As loans are made under this subsection are repaid, the Council shall make additional loans from the funds repaid.

(e) (1) The Secretary may provide funds to the Council to enable it to make grants to further the purposes of this Act. The Council may use such funds to make grants to local units of government for the following purposes:

(A) To conduct economic development surveys and studies; and

(B) To develop or install public facilities and utility services which will support or encourage development consistent with the purposes of this Act.

(2) Prior to approving any grant application, the Council shall require the applicant to provide a statement from the Commission affirming that the grant purpose is consistent with:

(A) The purposes of this Act;

(B) The management plan developed pursuant to section 6 of this Act; and

(C) Land use regulations developed pursuant to section 7 of this Act.

(3) Grants must be for uses within the National Scenic Area boundary, described in section 4. Grants shall be made only for use in counties which have adopted and received Commission approval of implementation measures pursuant to this Act.

(f) (1) The Council shall make available to the Secretary, upon request, all accounts, reports, financial records and other information related to the loans and grants made pursuant to this section.

(2) To ensure that the Council has complied with the provisions of this section, the Secretary or other appropriate person or entity as the Secretary may designate, shall conduct an audit at least once every two years of all accounts, financial records and other information related to the loans and grants made pursuant to this section. If the Secretary determines after conducting a hearing on the record that the Council has substantially failed to comply with this section the Secretary may:

(A) Declare that the outstanding balance of any loans made to the Council be due and payable;

(B) Take action to recover any grant funds improperly extended.

(3) If the Council determines, after a hearing on the record, that a recipient of a grant or loan has failed to substantially comply with the provisions of its grant or loan agreement, the Council shall initiate action to recover funds extended. .

SECTION 13 - Tributary Rivers and Streams

A. Page 43, line 21 - Strike the words "substantially impair or detract from" and insert the words "have an adverse impact on."

B. Page 44, lines 6 and 7 - Strike the words "substantially impair or detract from" and insert the words "have a significant adverse impact on."

C. Page 44, lines 12 and 13 - Strike the words "by adding the following new subsection" and insert the words "to authorize the study of the Wind, White

Salmon and Klickitat Rivers in Washington, and the Sandy, Hood and Deschutes Rivers in Oregon."

SECTION 14 - Implementation Measures

A. Page 44 - Delete lines 18 through 25.
Page 45 - Delete lines 1 through 24.
Page 46 - Delete lines 1 through 23.
Page 47 - Delete lines 1 through 3.
Renumber the following sections accordingly. The provisions of section 14 have been incorporated into section 7.

SECTION 15 - Enforcement

A. Page 47 - Delete lines 5 through 7 and insert the following:

(a) The Commission shall monitor activities of counties and state agencies and shall take such action as it deems necessary to ensure compliance.

B. Page 47, line 13 - Add the following after the word "aside":

"Appeals to the Commission shall be heard by an independent administrataive law judge who shall make findings and recommend actions to the Commission. All appeal hearings shall be conducted pursuant to sections 554 through 557 of Title 5, United States Code."

SECTION 17 - Savings Provisions

A. Page 53 - Delete lines 1 through 7.

B. Page 53 - Delete lines 11 through 19.

Senator **Hatfield**. Thank you very much for your assistance this morning.

Mr. **Powell**. Thank you.

Senator **Hatfield**. I am going to invite the first panel to come to the table. I then will announce the second panel and ask them to take the chairs directly behind the table so that they will be in a position to move quickly to the table when their turn comes.

The first panel is composed of the Honorable Wayne Fawbush, State representative from Hood River, Oregon; Mr. Jerry Routson, chairman of the County Commission of Hood River County; Mr. Jack Mills, Hood River County Commission; the Honorable William L. Hulse, county judge of Wasco County; Mr. Dana Walker, the general manager of the Port of Cascade Locks; and Mr. Ken Hobson, the city administrator of the city of Cascade Locks.

Now if Mr. Mel Sampson, the chairman of the Yakima Tribal Council; and Mr. Nelson Wallulatum, tribal council member of the Confederated Tribes of Warm Springs, if they will take positions immediately behind the table, then we will call upon them next.

Welcome, gentlemen. It is nice to have you here. We turned on some good Hood River, Wasco County weather for you this morning for the first time in a week. We are happy to have you come to testify. You may proceed as you wish, to highlight or summarize your testimony.

STATEMENT OF WAYNE H. FAWBUSH, STATE REPRESENTATIVE, HOOD RIVER, OR

Mr. **Fawbush**. Thank you, Senator Hatfield.

My name is Wayne Fawbush. I have served in the Oregon Legislature now for five 2-year terms. My district includes the majority of the Oregon side of the Columbia Gorge. My district begins at Bonneville Dam and goes upriver to the John Day River. My district encompasses roughly 45,000 residents, the majority of whom live within about 10 miles of the Columbia River.

You are going to hear, beginning with testimony from those of us today, differing sentiments and different opinions as to what the real sentiment is among the population along the Columbia Gorge, and I would like to begin by offering what my opinion is of the public position on the gorge.

I have always maintained myself a very strong public position in favor of strong legislation to protect the gorge, and I have been reelected some five times now. I have periodically, about every 2 years, done a series of polls. The last poll I did was in January 1986.

The results of that poll, which are enclosed with my testimony, showed that roughly 65 percent of the respondents favored at least equal Federal participation to protect the scenic values of the gorge. I think that if there has been a change over time it has been an increasing recognition by the people in the gorge that the only way to ensure the gorge will be treated as a single unit will be through Federal participation that establishes and spells out how the cooperation between Oregon and Washington will ensure that final result.

I would like to offer several observations about the particulars in the bills if I may, about four different points, three of which Senator Packwood made already.

I believe that on the two-tier system in order to have a clear line of who is responsible for what, and to make the whole thing hang together, the Secretary needs to have, a nine-vote override rather than the eight that is in the Senate bill. That seems to me to be the cohesion that will bring things together.

The interim management scope should include all actions which adversely affect the natural values of the gorge. Once the management plan is adopted, enforcement should be required with a "shall" rather than a "may," and if State law is more comprehensive than what you finally decide upon we would prefer to allow State law to override or to supersede what is done in the gorge to ensure that our land-use process is preserved.

Preserving the gorge is indeed in my mind a very popular goal, but time is winnowing away because of the apprehension about the future on both sides of this issue. When you make your decision, please make it an enforceable one with a minimum amount of litigation and make an economic impact study and integral part of the management plan, not as an additional hurdle that we have to overcome before we make a decision on this bill.

I believe that your prompt action is frankly the only guarantee that the Columbia River Gorge will be maintained for all Americans to enjoy in a manner that will ultimately be acceptable to the local interests. Final action based on these bills will give all of us, and many of us represented here today, a chance to finally resolve these issues and get on with the rest of our lives.

Thank you very much.

Senator Hatfield. Thank you, Representative Fawbush.

[The prepared statement of Mr. Fawbush follows:]

WAYNE H. FAWBUSH
REPLY TO ADDRESS INDICATED
☐ House of Representatives
Salem, Oregon 97310
☐ 5000 O'Leary Road
Hood River, Oregon 97031

DISTRICT 56
GILLIAM, HOOD RIVER
SHERMAN, WASCO
WHEELER COUNTIES

COMMITTEE
Ways and Means

HOUSE OF REPRESENTATIVES
SALEM, OREGON
97310

June 15, 1986

TESTIMONY IN SUPPORT OF S.2055 AND H.R. 4161.

My name is Wayne Fawbush. I have served as a State Representative to the Oregon Legislature for five two-year terms. My district includes the majority of the Oregon side of the Columbia Gorge, beginning at Bonneville Dam and extending upriver 65 miles to the John Day River. My district encompasses 45,000 residents, the majority of whom live within ten miles of the Columbia River.

Differing opinions have been offered as to the true sentiment among folks along The Columbia River concerning the Federal role in protecting the Gorge. I would like to offer mine. I have always maintained a public position in favor of strong legislation to protect the Gorge and I have been re-elected five times. Every poll or sampling of public opinion I have conducted has evidenced strong public support for protective legislation. The last poll published in all the papers in my district in January, 1986 showed that 65% of the respondents favored Federal participation to protect the scenic value of the Gorge. If there has been a change over time, it has been an increasing recognition that the only way to ensure the Gorge will be treated as a single unit will be through Federal participation that requires cooperation from Oregon and Washington. An additional litmus test was the primary election at the end of May. My opponent from Cascade Locks maintained a strong posture opposing any Federal role. That was the only major difference between us. My margin of victory was 64% in the Cascade Locks precinct, which was 6% below my district average of 72%. Strong support exists to protect the Columbia River Gorge. I have staked my political career on it and will continue to do so.

I would like to offer several observations about particulars in the bills:

1. To make the two-tier system work a clear understanding of the necessity to cooperate is essential. This can be achieved by requiring that An override of the Secretary will take one additional vote (9) rather than a working majority. The Secretary should be responsible for Federal lands and the Commission for all other lands.
2. The interim management scope should include all actions which would adversely affect the natural values of the Gorge. This would help preserve threatened areas and encourage timely participation by all parties.
3. Once a management plan is adopted enforcement should be required with a "shall" rather than a "may."
4. If State law is more comprehensive than the adopted management plan, State law should prevail. Oregon's unique land use laws are more comprehensive that what is being considered here.

Just a few more comments concerning timing. All of us here want to see the natural values of the Columbia Gorge maintained. Honest differences do exist when it comes to deciding how to best manage this singular resource. Now, just when it looks as though we are finally going to get action an additional hurdle is being thrust into the path--the demand for an economic impact study. I strongly agree that there is a place for this study in developing the management plan and when considering what acquisitions are feasible. However, to insist on such a study before any decision is made has clearly put the cart a long way in front of the horse. I am personally convinced that treating the Gorge as a single entity with a recognized national status will ensure a financially rewarding future for those of us who live and work in and around one of the most spectacular natural wonders on the North American land mass.

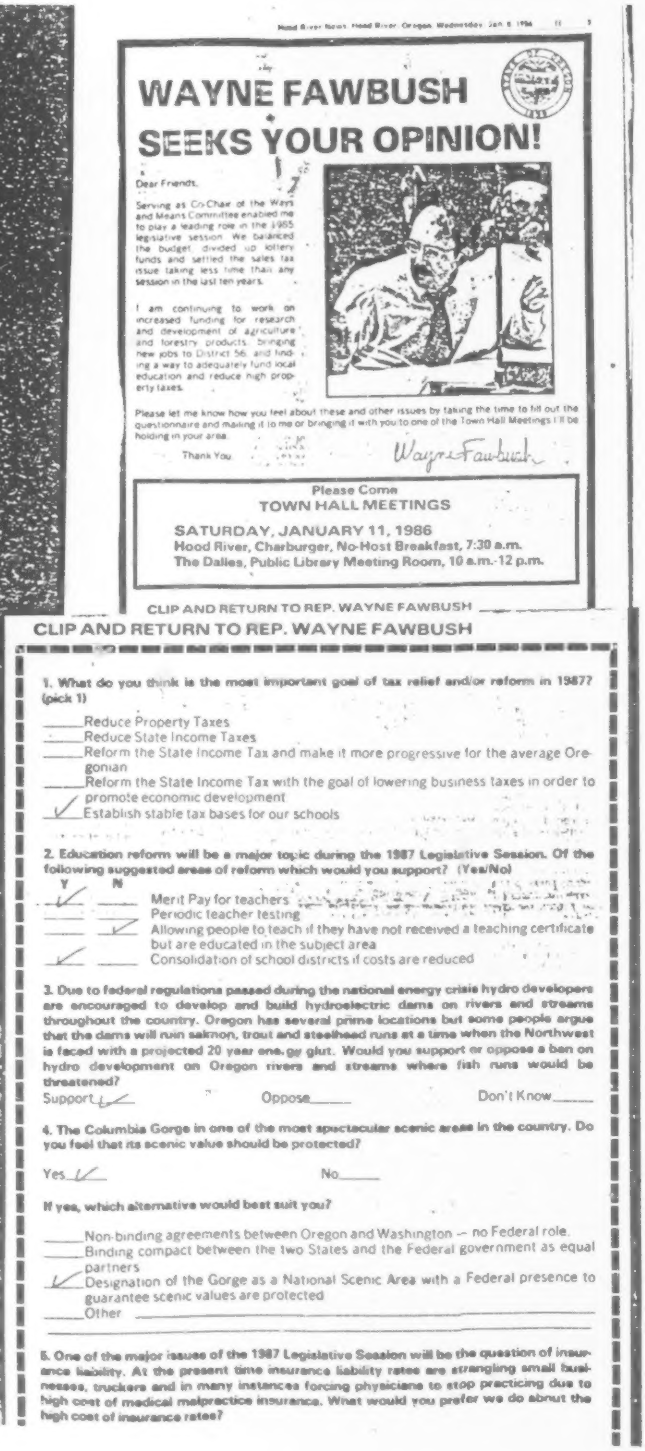
In conclusion, I will restate my three three points. This is indeed a popular goal, but time is winnowing away because of apprehension about the future on both sides. When you make your decision, make it enforceable, and make an economic impact study an integral part of the management plan.

Your prompt action is the only guarantee that the Columbia River Gorge will be maintained for all Americans to enjoy. Final action, based on these bills, will give us a process to work out our differences.

Respectfully yours,

Wayne Fawbush

Wayne Fawbush
State Representative, Dist. 56



Hood River News, Hood River, Oregon, Wednesday, Jan 8, 1986 11

WAYNE FAWBUSH SEEKS YOUR OPINION!

Dear Friends,

Serving as Co-Chair of the Ways and Means Committee enabled me to play a leading role in the 1985 legislative session. We balanced the budget, divided up lottery funds and settled the sales tax issue taking less time than any session in the last ten years.

I am continuing to work on increased funding for research and development of agriculture and forestry products, bringing new jobs to District 56, and finding a way to adequately fund local education and reduce high property taxes.

Please let me know how you feel about these and other issues by taking the time to fill out the questionnaire and mailing it to me or bringing it with you to one of the Town Hall Meetings I'll be holding in your area.

Thank You

Wayne Fawbush

Please Come
TOWN HALL MEETINGS

SATURDAY, JANUARY 11, 1986
Hood River, Charburger, No-Host Breakfast, 7:30 a.m.
The Dalles, Public Library Meeting Room, 10 a.m.-12 p.m.

CLIP AND RETURN TO REP. WAYNE FAWBUSH

CLIP AND RETURN TO REP. WAYNE FAWBUSH

1. What do you think is the most important goal of tax relief and/or reform in 1987? (pick 1)

_____Reduce Property Taxes
_____Reduce State Income Taxes
_____Reform the State Income Tax and make it more progressive for the average Oregonian
_____Reform the State Income Tax with the goal of lowering business taxes in order to promote economic development
✓ Establish stable tax bases for our schools

2. Education reform will be a major topic during the 1987 Legislative Session. Of the following suggested areas of reform which would you support? (Yes/No)

Y	N	
✓	_____	Merit Pay for teachers
_____	_____	Periodic teacher testing
_____	✓	Allowing people to teach if they have not received a teaching certificate but are educated in the subject area
✓	_____	Consolidation of school districts if costs are reduced

3. Due to federal regulations passed during the national energy crisis hydro developers are encouraged to develop and build hydroelectric dams on rivers and streams throughout the country. Oregon has several prime locations but some people argue that the dams will ruin salmon, trout and steelhead runs at a time when the Northwest is faced with a projected 20 year energy glut. Would you support or oppose a ban on hydro development on Oregon rivers and streams where fish runs would be threatened?

Support ✓ Oppose_____ Don't Know_____

4. The Columbia Gorge in one of the most spectacular scenic areas in the country. Do you feel that its scenic value should be protected?

Yes ✓ No_____

If yes, which alternative would best suit you?

_____Non-binding agreements between Oregon and Washington — no Federal role.
_____Binding compact between the two States and the Federal government as equal partners
✓ Designation of the Gorge as a National Scenic Area with a Federal presence to guarantee scenic values are protected
_____Other _______________

5. One of the major issues of the 1987 Legislative Session will be the question of insurance liability. At the present time insurance liability rates are strangling small businesses, truckers and in many instances forcing physicians to stop practicing due to high cost of medical malpractice insurance. What would you prefer we do about the high cost of insurance rates?

Representative
Wayne Fawbush
Democrat

District 56
Hood River, Wasco
Sherman, Gilliam
Wheeler
Phone: 378-8794

NEWS RELEASE

Committees

Chairman:
Ways and Means

FOR IMMEDIATE RELEASE

FEBRUARY 6, 1986

SUBJECT: RESULTS OF LEGISLATIVE QUESTIONNAIRE

I Would like to thank all of you who took the time to return the legislative questionnaire I published in the Hood River News in early January. Topics such as taxation, education, hydro development, the Columbia Gorge and insurance liability have a real impact on all of us. Your thinking on these issues is important to me to help in sorting out the best options for our future.

Following is a summary of the results and as you will notice, a substantial majority of people who responded favor 1) educational and insurance liability reform, 2) preserving of fish runs, and 3) protection of the Columbia Gorge, with a National Scenic Area the preferred choice.

On the questions relating to taxation the responses indicate a preference for relief in property taxation and for providing stable tax bases for our schools. The two most important problems facing the State were listed as property taxes and taxes in general. The need to concentrate more on helping the economy was also of major concern.

One of my primary goals in sending out the questionnaire was to give the residents of District 56 an opportunity to let me know what is on their minds. I was really pleased by the response. Your views are vital in helping me make decisions on your behalf.

If you have any other problems or concerns, please feel free to contact me. My phone number is 354-1706 or you can write me at 5000 O'leary Rd., Hood River, OR 97031.

RESULTS OF THE LEGISLATIVE QUESTIONNAIRE

TAX REFORM

MOST IMPORTANT GOAL OF TAX RELIEF AND/OR REFORM IN 1987?
1st - Reduce property taxes
2nd - Stable tax bases for our schools
3rd - More progressive income tax

EDUCATION REFORM

WHAT AREAS OF EDUCATIONAL REFORM WOULD YOU SUPPORT?
Merit Pay for teachers? 60.8% Yes, 39.2% No
Periodic teacher testing? 83.7% Yes, 16.3% No
Allow people to teach in subject area (no teaching certificate)?
66.1% Yes, 33.9% No
Consolidation of school districts if costs are reduced?
73.3% Yes, 26.7% No

HYDRO DEVELOPMENT

FAVOR BAN ON HYDRO DEVELOPMENT WHERE FISH RUNS ARE THREATENED?
51.3% Yes, 33.7% No

COLUMBIA GORGE PROTECTION

SHOULD THE SCENIC VALUE OF THE GORGE BE PROTECTED?
93% Yes, 7% No

WHICH ALTERNATIVE FOR PROTECTION IS MOST SUITABLE?
46.9% - Designation as National Scenic Area
29.0% - Non-binding agreement between OR & WA
17.2% - Bi-State compact with the Federal Govt. as a partner
6.9% - Other

INSURANCE LIABILITY REFORM

WHAT WOULD YOU PREFER WE DO ABOUT THE HIGH COST OF INSURANCE RATES?
Most commonly listed area: Limit amounts of personal awards.
Second most commonly listed area: Penalize those who file frivolous lawsuits.

MOST IMPORTANT PROBLEMS FACING THE STATE - LEGISLATURE SHOULD TACKL

1st - Property taxes
2nd - Taxes in general
3rd - Help the economy

STATEMENT OF JERRY ROUTSON, CHAIRMAN, BOARD OF COMMISSIONERS, HOOD RIVER COUNTY, OR

Mr. ROUTSON. Mr. Chairman, members of the committee, my name is Jerry Routson. I am chairman of the county commissioners of Hood River County, and this year I also serve as president of the Association of Oregon Counties. I am appearing here today in both capacities to comment on Senate bill 2055, which proposes to establish the Columbia River Gorge National Scenic Area.

As the committee members may well imagine, Hood River County, OR, which would have a majority of its land situated within the proposed scenic areas, has since the inception of this concept been extremely interested and concerned about the Federal legislation that creates such a designation.

As a result, Hood River County's elected officials have studied with great diligence the various measures that have been contributing to this session of Congress, and we have asked of our professional planning staff further analysis. Also, Hood River, Wasco, and Multnomah Counties also took this issue of the Federal creation of the gorge to the State's association of counties. I present the details of this analysis within the packet.

At the outset of this testimony, let me clearly state for the record that Hood River County recognizes the scenic values of the Columbia River Gorge. We do not disagree with the stated public purpose of the proposed act and as a matter of record the Hood River County Comprehensive Land Use Plan approved under stringent land use laws of Oregon, recognizes the uniqueness of the gorge and preserves many scenic values. If I appear in my testimony today to be at odds with Senate bill 2055, it is because Hood River County objects to the Federal intervention that it feels is unwarranted, and to the process of planning and implementation offered in the bill.

Members of the subcommittee, my principal criticisms of Senate bill 2055 are threefold.

First, the legislation overlooks State and county land use planning which despite the bill's charge of disjointed management, has provided for scenic preservation.

Second, it fails to provide for fair representational public input into the planning process.

Third, it proposes to create a federally controlled area whose boundaries are fixed, locked into the Federal statutes prior to the normal environmental assessment process and public input by which similar Federal areas were established.

I am going to have to cut this down considerably because of the time, but there are three basic elements that we would like the committee to address. We also find that the process of composure of the commission itself certainly needs to be reevaluated.

The final statement is, requiring either the Secretary of Agriculture or the commission to be consistent with the management plans within the State land use plans and law, in section (b), content of the management plan, the various definitions of "land" do not require any consistency with State definitions and could result in conflicting definitions.

At a very minimum, any Federal gorge legislation should require Federal consistency with State land use laws. Senate bill 2055 merely consulting with State and local governments is not of much more practical value than asking your neighbor's opinion before you cut the tree on your property that shades their house.

My second point relates to the mechanisms in the bill appointing the members of the commission, and I have already alluded to that.

Because of the time, my third and final point is probably the most important. Obviously the bill addresses the boundaries of the Columbia River Gorge planning area. We seriously wonder about the extent of the boundaries contained in the measure overall, but we are hardpressed given the lack of an adequate economic impact statement for the overall area to say that this resource belongs or should be excluded from the area. It seems to me that if the Rare-I and Rare-II process was a good method to systematically establish wilderness boundaries, then a similar process should be used if the Federal Government determines that the Columbia River Gorge Scenic Area should be created.

Thank you.

[The prepared statement of Mr. Routson follows. Additional materials have been retained in subcommittee files.]

TESTIMONY BY JERRY ROUTSON, CHAIRMAN OF THE BOARD OF COMMISSIONERS OF HOOD RIVER COUNTY, OREGON AND PRESIDENT OF THE ASSOCIATION OF OREGON COUNTIES. APPEARING IN BEHALF OF HOOD RIVER COUNTY AND THE ASSOCIATING REGARDING SENATE BILL 2055, PROPOSING TO ESTABLISH THE COLUMBIA RIVER GORGE NATIONAL SCENIC AREA.

Senator McClure and Members of the Committee:

My name is Jerry Routson. I am Chairman of the Board of Commissioners of Hood River County and this year I also serve as President of the Association of Oregon Counties. I am appearing here today in both capacities to comment on Senate Bill 2055, which proposes to establish the Columbia River Gorge National Scenic Area.

As the Committee Members may well imagine, Hood River County, Oregon, which would have a majority of its land situated within the proposed scenic area, has since the inception of this concept been extremely interested and concerned about any Federal legislation that creates such a designation. As a result, Hood River County's elected officials have studied with great diligence the various measures that have been contributing to this session of Congress, and we have asked of our professional planning staff further analysis. Also, Hood River, Wasco, and Multnomah Counties also took this issue of the Federal creation of the Gorge to the State's Association of Counties. I present the details of the analysis done by the County Planning staff. Bill Grannell, Public Lands Specialist for the Association of Oregon Counties, will also testify today to raise the Association's concerns with the Bill being considered here today.

At the outset of this testimony, let me clearly state for the record that Hood River County recognizes the scenic value of the Columbia River Gorge. We don't disagree with the stated public purpose of the proposed Act and as a matter of record the Hood River County Comprehensive Land Use Plan approved under stringent land use laws of Oregon, recognizes the uniqueness of the Gorge and preserves many scenic values. If I appear in my testimony today to be at odds with Senate Bill 2055, it is because Hood River County objects to the Federal intervention that it feels is unwarranted, and to the process for planing and implementation offered in the Bill.

Members of the Subcommittee, my principal criticisms of Senate Bill 2055 are three-fold. First, the Legislation overlooks State and County land use planning which despite the Bill's charge of "disjointed Management," has provided for scenic preservation. Second, it fails to provide fair representational public input into the planning process. Third, it proposes to create a Federally controlled area whose boundaries are fixed, locked into the Federal statutes, prior to the normal environmental assessment process and public input, by which similar Federal areas were established.

To briefly elaborate these three points, I would like to comment again on the well established land use law procedures that are in Oregon since 1973, under which all counties must operate. Held as a national standard by many States, the Oregon process required all counties to inventory its land resources and from that to devise a comprehensive land use plan that was consistent with a number of mandatory goals and guidelines. Further, through a thorough public hearing process this plan was further scrutinized. When completed, the plan was then submitted to the State for even more painstaking review, measuring it against the State's well defined and stringent State-wide goals and guidelines. If it passed the muster, it was then considered approved. If not, the County in question was forced back to the drawing board and any County development prior to an adopted plan was held in abeyance. Besides the threat of a moratorium on development, a County not in compliance also faced the possibility of the suspension of State shared revenues. As I've told the Committee, our land use plan was adopted by the State of Oregon and is consistent with State-wide goals, and scenic values of the Gorge were preserved. For all Oregon Gorge Counties, their plans have to contain similar provisions as a part of the State's overall land use plan. This process, that I have recounted for you, I am certain will be repeated by other counties in the course of today's testimony. I also stress that it is a public process and that the designation of the land use didn't occur until that process was completed.

In my examination of Senate bill 2055, I find no statement requiring either the Secretary of Agriculture or the Commission to be consistent in the management plans with the State Land Use Plans and law. As a matter of fact, it appears in Section 5, (d) (2) and (3) that the Bill proposes to overlay additional land use designations and guidelines. In Section (B) "Content of the Management Plan", the various definitions of land don't require any consistency with State definitions, and could result in conflicting definitions.

The point that I am attempting to make is that Oregon's Gorge Counties have recognized scenic values and attempted to preserve them in their land use plans which in turn are part of the State's land use plan. This was an extensive and time consuming process which this Bill appears to needlessly duplicate, and which in many of its implementations may conflict with established State standards. If that occurs, both the public and the government it pays for suffer needless financial costs as they attempt to iron out those differences.

At the very minimum, any Federal Gorge Legislation should require Federal consistency with State land use laws. As Senate Bill 2055 provides, merely consulting with State and local governments isn't of much more practical value than asking your neighbor's opinion before you cut the tree on your property that shades their house.

My second point relates to the mechanisms in the Bill appointing the members of the Commission and establishing the planning process. In my review of the Measure, I see what appears to be a balanced appointment process at least on the surface, but upon further analysis seems designed for "stalemate."

It would be easy to assume that the local government appointees would generally vote as a block with the possible exception of extending urban areas, which could potentially promote growth in one area to the economic detriment of another. Depending upon the philosophy of the Governors, their selections could also be expected to vote as a block to reflect the view of their appointors. Potentially, this raises the probability of stalemate. Some who will probably testify today will suggest even more bizarre scenarios in regards to the makeup, philosophically, of the Commission. The only point that I wish to raise here is that that part of the Bill seems to fit the other provisions of the Measure that seem to steer the planning process by the Secretary of Agriculture. For example, before a plan is adopted an interim plan serves in its stead for two years. This plan, developed by the Deprtment of Agriculture by the Forest Service, will in fact become the bible for the management plan that is developed. Given the makeup and size of the Commission, it is reasonable to believe that the Bill never seriously intended for the management commission on its own volition to develop a plan. At the very minimum, Senate Bill 2055 should be amended to require approval of the Interim Plan by the Commission before its implementation.

One final point regarding the appointment of the Commission, the Hood River County Commissioners find the language found in lines 21 to 24 on Page 15 of the printed Bill curious. A prohibition against appointed-elected or appointed officials seems needless. A strong argument could be made to the contrary that the appointment of an elected official could bring to the Commission a person who is more representative of the County than a non-elected individual.

My last topic is perhaps the most important. Senate Bill 2055 would establish the boundaries of the Columbia River Gorge Scenic Area before the planning process had inventoried the resource and established public need for certain designations. We seriously wonder about the extent of the boundaries contained in the Measure overall. But, we are hardpressed, given the lack of an adequate economic impact statement for the overall area, to say that this resource belongs or should be excluded from the scenic area. It seems to me that if the R-I and R-II process was a good method to systematically establish wilderness boundaries then a similar process should be used if the Federal Government determines that the Columbia River Gorge Scenic Area should be created.

Hood River County Commissioners are on record that a thorough Economic Statement be implemented prior to the establishment of any boundaries. This would seem like a more logical approach.

Mr. Chairman, and Members of the Subcommittee, this concludes my oral testimony today. I refer you to the balance of my submitted testimony for greater detail regarding my comments. I thank you all for your courtesy and your attention. I would be happy to answer any questions you might have.

Senator **Hatfield**. Thank you, Mr. Routson. We are sorry to rush you on, but as you know we do have many witnesses to be heard today. Your entire statement will be placed in the record, and you have submitted a compilation here of petitions and letters, and they will be received as well for the subcommittee file.

Mr. Jack Mills, I believe you are next on our list.

STATEMENT OF JACK MILLS, COMMISSIONER, HOOD RIVER COUNTY, OR

Mr. **Mills**. Thank you, Senator.

My name is Jack Mills. I was elected to the board of commissioners of Hood River County by a majority of the voters who believe in land use planning and strong protection for the gorge.

This is proven by the fact that our county's comprehensive plan developed by the majority of our county's residents provides for stronger gorge protection than any of the bills proposed thus far.

You have heard testimony that Hood River County favors local control. I hope you will recognize this as only that the five elected county commissioners are personally split on the issue, three against Federal legislation, and two in favor of it. Our newest commissioner-elect coming onboard in January 1987 is also in favor of a Federal presence in the gorge.

More important, as proven by their comprehensive plan, the majority of the residents of Hood River County want strong protection for the scenic qualities of the Columbia River Gorge.

We in Hood River have been astonished in watching the economic benefits windsurfing have brought to our community. We are now working to expand opportunities for tourists within the county by working on waterfront park development and on a Columbia River Gorge Interpretative Center on port property buildings which formerly housed the Diamond Fruit Cannery. Our direction is definitely bending toward serving visitors of our uniquely beautiful and historic area.

As a board member and a director of the restoration of Timberline Lodge—and you, Senator Hatfield, were on that board also—I have witnessed a doubling of tourism to that facility since its designation in 1977 as a national historic landmark. Timberline Lodge now welcomes over 1 million visitors each year.

Unlimited economic benefits can come to Hood River County upon designation of the Columbia Gorge National Scenic Area. Section 12 of S. 2055 for instance can bring more benefits to my area than any economic development scheme of the past thirty years. This section 12(a) deals with preserving and restoring the Old Columbia River Highway as a national historic road.

Section 12(b) provides a park acquisition along the historic scenic highway between Hood River and Mosier, OR. Much of this land is now in public ownership, actually acquired at the time of highway construction for roadside parks. This section of the highway is hung high on the cliff face and includes two windowed tunnels and sweeping views. The old road must be used primarily for hiking and nonmotorized vehicles. However, we want to consider opening it occasionally to antique autos. I can picture national meetings of antique auto groups coming to Hood River and using this vintage road from Hood River to The Dalles.

The 1915 Old Columbia River Highway is a national attraction without peer. I commend the Senators from Oregon and Washington for including section 12 in Senate bill 2055. It is visionary. It will help Hood River County economic development.

Because of the time, I will just submit the rest of this, but I do thank you, Senators, and your staffs for the hard work on this important issue.

[The prepared statement of Mr. Mills follows:]

K. W. KIRBY
COUNTY ADMINISTRATOR

TEL 386-3970

COUNTY OF HOOD RIVER
BOARD OF COMMISSIONERS

JERRY ROUTSON CHAIRMAN
RODGER A. SCHOCK – DISTRICT NO 1
BEVERLEY A. ROWLAND – DISTRICT NO 2
LEE E. CURTIS – DISTRICT NO 3
JACK MILLS – DISTRICT NO 4

309 STATE STREET
HOOD RIVER, OREGON 97031-2093

Testimony of Mr. Jack Mills
Commissioner, Hood River Co., Oregon
Senate Energy and Natural Resources Committee
Public Lands and Reserved Water Subcommittee
June 17, 1986

My name is Jack Mills. I was elected to the Board of Commissioners of Hood River County, by a majority of voters who believe in Land Use Planning and strong protection for the Gorge.

This is proven by the fact that our county's Comprehensive Plan, developed by the majority of our county residents, provides for stronger Gorge protection than any of the bills proposed thus far.

You have or will hear testimony that Hood River County favors local control. I hope you will recognize that this says only, that the five elected County Commissioners are personally split on the issue, three against federal legislation and two in favor of it. Our newest commissioner elect, coming on board in January 1987, is also in favor of a federal presence in the Gorge.

More important, as proven by their own Comprehensive Plan, the majority of the residents of Hood River County, want strong protection for the scenic qualities of the Columbia River Gorge.

We in Hood River County have been astonished in watching the economic benefits windsurfing has brought to our community. We are now working to expand opportunities for tourists within the County by working on waterfront park development and on a Hood River/Columbia Gorge Interpretive Center on Port property and buildings which formerly housed the Diamond Fruit Cannery. Our direction is definitely bending toward serving visitors to our uniquely beautiful and historic area.

As a board member and director of the restoration of Timberline Lodge, on Mt. Hood, I have witnessed a doubling of tourism to that facility since its designation, in 1977, as a National Historic Landmark. Timberline Lodge now welcomes over ONE MILLION visitors each year.

Unlimited economic benefits can come to Hood River County upon designation of the Columbia Gorge National Scenic Area.

Section 12 of S. 2055 for instance can bring more benefits to my area than any economic development scheme of the past thirty years. This Section 12 (a) deals with preserving and restoring the Old Columbia River Highway as a National Historic Road. Section 12 (b) provides for park acquisition along the historic Scenic Highway between Hood River and Mosier, Oregon. Much of this land is now in public ownership, actually acquired at the time of highway construction for roadside parks. This section of highway is hung high on the cliff face and includes two windowed tunnels and sweeping views. The old road must be used primarily for hiking and non-motorized vehicles. However, we may want to consider opening it occasionally by special permit to antique autos. I can picture national meetings of antique auto groups coming to Hood River and using this vintage road from Hood River to The Dalles.

The 1915 Old Columbia Highway is a national attraction without peer. I commend the Senators from Oregon and Washington for including Section 12 in Senate Bill 2055. It is visionary; it will help Hood River County economic development.

There are those in my county who would wish to have studies and discussions of economic impact go on forever as a substitute for action. In a 1978 study requested by the U.S. Forest Service, entitled "The Effect on Multnomah and Hood River Counties of the Proposed Federal Acquisition of Lands in the Columbia Gorge Recreation Composite", it was demonstrated that rural development has a negative economic impact on county budgets. We know that. We certainly need no more studies; we have had 50 years of studies. We need legislation and we need it quickly. We need it this year.

There are those in my county who have been frightened by outsiders who came in and told them their houses would be condemned under Scenic Area legislation. I am pleased to report that they are in the minority. The majority favors strong protection of the Gorge. Hood River County folks are smart and practical. By now they have sorted out the truth and support this legislation. The legislation protects their homes farms and forests and provides many economic benefits.

Thank you, Senators, and your staffs for your hard work on this important issue.

Senator HATFIELD. Thank you, Commissioner.
Judge Hulse.

STATEMENT OF WILLIAM L. HULSE, WASCO COUNTY JUDGE, THE DALLES, OR

Judge HULSE. Thank you, Senator.

My name is William Hulse. I am actually chairman of the County Commission in Wasco County. I hasten to add right now, as you will see in the packet there are other letters, letters from other people in district 9 and district 12. I also submitted a letter from a private citizen that I did not have time to get into the packet.

Senator HATFIELD. We will include those in the record.

Judge HULSE. I will hasten to add that the testimony that you have before you, and that I will highlight, is a unanimous feeling of our county court. It might not be unanimous of all the people in the county, but as you know in politics that is an absolute impossibility. So I will just highlight some of the things.

On the summary page I have some seven things that are related to in the previous written material. One of them is that we feel in Wasco County it is absolutely essential that there be an economic impact statement. There are just lots of things in Wasco County—land values and such as that—that I feel that it could hurt if there was too much restriction put in any one bill. I think this should be spelled out, what this might do to the private citizen and to the county in relation to their taxes, because there is some 8 percent excluding the incorporated cities, there is some 8 percent of our total value included in this 38-mile area of this proposed scenic area.

If you included the value within the incorporated cities, it would be well over half of the value of Wasco County included in this area.

We want to make sure that it does not financially hurt the budgets of local governments. One thing, we want to make sure that it does not restrict the economic growth of the area and create more unemployment. We are very protective of our industry in the area, both in the towns and in the areas that are not in the incorporated cities.

As has been mentioned, there is windsurfing, there is forestry, and a very, very important thing in Wasco County is the protection of our cherry orchards, our agriculture that is along that area. That is very important, and those are in the shaded area within the view on the map that you have over here on our left.

Another thing that we feel that should be in it is financing for an interpretive center. We feel that this would be a very poor piece of legislation to put the whole thing through with the restrictions and such and not give the area the benefit of an interpretive center. We feel that if this is not included in the original legislation, it might well not be later on. It might be harder to get later on than it is now.

We feel that there should be adequate money in the bill, and I think the figure of some $40 million has been addressed, for the purchase of land. We are not in favor of too much purchase of land, but we are very much in favor of an adequate amount of money for economic development.

I know I have hurried through this. I have hit just some of the highlights, but everything that I have touched on is in the written material.

Thank you very much for your time.

[The prepared statement of Judge Hulse follows:]

WASCO COUNTY'S TESTIMONY TO THE
SENATE SUBCOMMITTEE ON
PUBLIC LANDS, RESERVED WATER AND RESOURCE CONSERVATION
RELATING TO SENATE BILL 2055

TESTIMONY GIVEN BY:

William L. Hulse
WASCO COUNTY JUDGE
The Dalles, Oregon 97058

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Correspondence from Wasco County School District No. 12 Board of Directors.

Thank you Mr. Chairman and members of this Committee for this opportunity to speak to you on this NATIONALLY SIGNIFICANT, and LOCALLY CRITICAL issue. My name is William L. Hulse, I am the Judge of the Wasco County Court, which is the governing body of Wasco County, Oregon, of which some 38 miles adjacent to the Columbia River is included in the Gorge Legislation. Speaking on behalf of the governing body, I would first make it very clear that we understand that we live in an area which has some of the most awesome natural beauty anywhere in the United States and we are concerned that it not be destroyed forever by short-sighted interest.

We have, as a County, established many years ago, special land use policies and development regulations on land uses in the gorge. These apply to uses ranging from dwellings to excavation, and we recently improved upon those regulations. So we have clearly demonstrated our intent to protect the Columbia Gorge from degradation of its scenic qualities.

We are now faced with the possibility that Federal Legislation will be created which will impact our County and the communities in which we live. Lets protect property rights, human rights, or just plain rights of people. I wish it were possible to have no Legislation at all, but if there is to be Legislation then I would ask that Legislation be written to not only protect the environment in which we live but also our living in that environment.

FIRST: We do not want Legislation which doesn't compensate local governments for the additional loss in tax revenue. I have asked many times that an economic impact study be done. With the volume of dollars and the amount of land that is designated for possible purchase, it is imperative that the local governments know how these purchases will effect property values. Local governments of course include the County, and three school districts. Wasco County has a value of $40,000,000.00 in the proposed Gorge National Scenic Area. Also, Legislation that would limit the use of property would effect the value of that property for tax purposes, thus reducing or removing the available property tax for local governments budgets entirely. We are again asking for this study. With (Graham - Rudman), and the elimination of Federal Revenue Sharing, it is very difficult to continue to raise property taxes to pay for basic local services. This year along we, in Wasco County, have realized a $400,000.00 reduction in revenues which is a major portion of our County budget. This loss in revenue has to be made up by property taxpayers. Removing taxable property hurts local government even more. Local governments must be compensated for any loss in tax revenues due to Federal land purchases or regulation.

SECOND: We do not want Legislation which will forever restrict Cities and all of the gorge area from growing economically. Many of the Counties in the gorge have been experiencing the highest unemployment rates, for both Oregon and Washington, for several years and rate high on the national scale of unemployment. Restricting economic growth by not allowing for planned development in the area would be a tragedy for our citizens and their families and would further hurt the economics of our States and of this Nation. Communities must have the ability to expand their existing urban areas. The Legislation must also acknowledge, which it very obviously does not do now, the INDUSTRIAL USES both historically and for the future.

THIRD: We do not want Legislation which costs local governments money to implement. Federal Legislation should bring with it sufficient funds to pay the costs. The proposed legislation indicates that local government will be expected to pick up part of the cost of implementation - This must be changed. Local governments are already stretched beyond what they are able to do by requirements imposed by the Federal Government.

FOURTH: We do not want Legislation which establishes a Regulatory Commission which does not have a majority of local people. There must be a higher percentage of the members appointed by the County governments. One approach is to have each County appoint one person for a total of 6, which is the existing language; then each County would provide a list of people from which the Governors of each State would choose 3 more, for a total of 6; and finally have a City representative from each State appointed by the Governors for a total of 2, making the Commission membership total 14 altogether. This Commission should have the authority to formulate the rules and regulations to, as nearly as possible, coincide with the majority of the Counties present land use plans. They should draw the map, if needed, not Congress. In other words, lets work from the bottom up, not the top down.

FIFTH: We do not want Legislation which does not equally and fairly apply criteria for those areas which will be included or exempted from the scenic areas. There is a major portion of land behind The Dalles in Wasco

County which is all orchard land, which has been included in the scenic area but is not visible. These non-visible orchards must be removed from the scenic area just like they were in Hood River County behind the City of Hood River. Also, the Community of Rowena in Wasco County should be exempt as other similar communities in Washington and Oregon have been. The major criticism I have with the maps is the unequal treatment given to areas throughout the entire gorge. Additionally, there should be no purchase of commercial agricultural land and all normal agricultural practices should be exempt from regulation. This would ensure protection of our agricultural economy.

SIXTH: We do not want Legislation which creates a National Scenic Area but does not provide a means by which visitors can learn about the gorge or find out about what they can do after getting there. I have been in contact with a number of Senators about providing language in this Legislation which would provide for the construction of a major Columbia Gorge Interpretive Center. Each of the Senator's Offices has a copy of our proposal which describes the specifics. If this proposal is not included with this Legislation, it may be years, if at all, that this, much needed, visitor facility would be built. If we are going to encourage visitors, then lets provide the basic facilities for their needs.

LAST: We do not want Legislation with no appropriation. But If the government is proposing land purchases, which we strongly oppose, it should be adequately financed. Also, money for economic development should be included. With the financial problems that are facing the government, I cannot imagine them taking on this horrendous obligation. The government can't afford a Gorge Bill. If you are going to pass Scenic Area Legislation then you must provide the funding to carry it out in full. Local governments cannot and will not foot the bill.

In summary, this Legislation needs to be changed so that:

1. It does require an economic impact study.

2. It does not financially hurt, the budgets of local governments.

3. It does not restrict the economic growth of the area and create more unemployment.

4. It does not remove most, or all, of local control.

5. It does not treat one area differently from other areas.

6. It does provide for visitor facilities.

7. It does provide funding to carry out the Legislation in full, without additional costs to local governments.

Thank you for this opportunity to speak today before this Committee.

Proposal for a
Columbia River Gorge Interpretive Center
November 19, 1985

INTRODUCTION

It is proposed that the Gorge legislation now being drafted include a Columbia River Gorge Interpretive Center which would be funded and staffed by the designated federal management agency.

1. NAME: Columbia River Gorge Interpretive Center (CRGIC)

2. PURPOSE AND NEED: The Columbia River Gorge is a unique national and regional asset. Through time, it has been the scene of important geological, biological and historic/cultural events. The proposed legislation is another page in the history of the Gorge. Including an interpretive center in this legislation will allow an active focal point for interpretation, education and enjoyment of the Columbia River Gorge. Being adjacent to a major transportation route, Interstate Highway 84, numerous visitors and regional residents could participate in its activities and would leave with a greater understanding of the environment of the Gorge and its relation to man.

   The Gorge is well known and visited frequently by northwest residents. The number of visitors to the Gorge will significantly increase when the legislation is passed and the Gorge becomes nationally recognized. This new interest will create more demands for interpretation of its resources.

   Three of the basic needs for such a Center would include:

   (A) Appreciation and understanding of the rich history of the region.

   (B) Interpretation of the unique geological, geographic and biological phenomena.

   (C) Information on recreational opportunities.

   A facility is needed to display and protect artifacts and specimens that already have been collected. State universities and others have numerous such artifacts in storage relating to Man's involvement in the Gorge. These artifacts have not been displayed due to a lack of facilities. Displays of these artifacts relative to the Gorge area are just that -- displays; unless interpretation from an adequate and professional staff and other interpretive methods are used to educate the public.

3. SCOPE: It is intended that this facility would be multifaceted. The scope should be broad enough to enlighten a visitor with an overall view and yet allow specific interests of the visitor to be developed. This scope, therefore, would encompass the following:

   (A) Human history/culture. Archaeological studies have shown that the Gorge has been continuously occupied for 11,000 years. Space would be devoted to the following periods: (a) prehistory; and, (b) native Americans and settlement through modern time.

   (B) Geologic and natural interpretation. The Gorge is one of the major breaks in the Cascades, revealing geological phenomena which are observable, but not easily understood by the public. The variety of plant and animal life and extremes in climatic zones offers a range of experience difficult to match anywhere in the world.

   (C) Recreation. Recreational resources and opportunities are abundant in the Gorge area. These recreational activities include everything from water sports to mountain climbing. An Interpretive Center would encourage visitors to participate in these many possibilities for recreation.

4. REGIONAL INTERESTS: Various agencies and organizations have proposed programs to promote the natural and cultural resources of the Gorge. This facility would serve the needs of these regional interest groups. Important examples of proposed and ongoing programs include:

   *Oregon and Washington State Universities' interests in archives, research and resource management of the Columbia River Gorge.

   *Lewis and Clark Trail Commission

   *Oregon Trail, National Park Service Plans

   *Old Columbia River Highway, National Historical Site

   *National Scenic Area Designation

   *Maryhill Museum

5. SPACE NEEDS: Display and interpretive areas for the following four (4) themes would be needed:

   (A) Geological story
   (B) Biological story
   (C) Human story
   (D) Recreational and visitor opportunities

   To encourage the use of the facility on a year-round basis and to encompass the needs of the many interests involved in the Gorge, space would also be needed for:

   (E) Auditorium
   (F) Educational and conference facilities
   (G) Research facilities
   (H) Administration offices

6. LOCATION CRITERIA: To an extent, the use of an Interpretive Center for the Columbia River Gorge would be dependent upon the location. It is recommended that the following location criteria be included in any proposed legislation. These guidelines would create a convenient, accessible facility and would allow for maximum visitor participation.

   (A) Close to an urban area that is large enough to accommodate the needs of visitors and still provide a sense of the natural beauty of the Gorge within a rural setting where opportunity may exist for varied outdoor activities.

   (B) On the Interstate freeway (with convenient access in both directions) near the east entrance of the Gorge, and close to a major north-south highway system, (U.S. Highway 97). Convenient to Amtrak railroad transportation and airport facilities.

   (C) Convenient access to the resources that would be promoted within the Interpretive Center, including Lewis and Clark encampments, Oregon trail, Old Columbia River Highway historic district, and other national register sites, and recreational resources and parks and access to the Columbia River.

   (D) Favorable climate and weather conditions to facilitate a more year-round use of the Interpretive Center and related outdoor activities.

Wasco County School District Nine
3632 West 10th Street The Dalles, Oregon 97058
(503) 296- 6149

June 12, 1986

TO WHOM IT MAY CONCERN:

Once again may we express our concern and objection to Federal control of the Columbia River Gorge.

It appears to us that the Oregon land use laws, which are the most stringent of any state, are enough for us to locally control the destiny of our land in the Columbia Gorge.

It is vital that the congress insist upon an impact study to see what will happen to the local areas, the counties, the cities, and the schools.

At the present time, if the land in Chenowith District #9 were devalued, it would cripple the District beyond repair. The estimated value of property in the Scenic Area is forty million dollars. Our budget is 4.4 million dollars, and any reduction, is, in fact, going to seriously impair our ability to provide the kind of comprehensive educational program so vital in today's society.

Please accept this letter as our support of testimony presented objecting to federal consideration of any bill that would control the beautiful areas of Hood River and Wasco Counties.

Respectfully,

KEN HUDSON, CHAIR
CHENOWITH BOARD OF EDUCATION

BY Frank D. Ellis
Frank D. Ellis, Superintendent(sm)

sm

FRANCIS H. DUMMER, Superintendent SALLY MINER, Administrative Secretary JANET ABRAMS, Office Manager/Deputy Clerk
LINDA EVANS, Purchasing Clerk MARLENE STIFFEY, Payroll Clerk

Wasco County School District No. 9 is an Equal Opportunity Employer the dalles school district no. 12

June 13, 1986

Dear Columbia Gorge Legislation Committee:

On behalf of the Board of Directors of The Dalles School District #12, The Dalles, Oregon, I would request that prior to the approval of any federal legislation, for the Columbia Gorge area, that you would recommend an area impact study be conducted as to the overall impact such legislation would have upon the local schools and our communities.

At this point in time we feel people are not as knowledgeable of this issue as they should be and that you should insure that pertinent information on this subject should be made public. Thank you for your time and consideration of this request.

Sincerely,

David A. Cooper

David Cooper
Board Chairman

DC:tm

200 East 10th Street The Dalles, Oregon 97058 (503) 296-2139

TESTIMONY RE: S.2055, HR 4114, HR 4161, HR 4134, HR 4221

Senator, Malcolm Wallop
Chairman Sub Committee
Public land, Reserved water &
resource conservation
Dirksen Office Bldg.
U.S. Senate Room 308
Washington, D.C. 20510

TESTIMONY RE: S.2055, HR 4114, HR 4161, HR 4134, HR 4221

Dear Sir:

I, along with many other Oregonians and Washingtonians, am gravely concerned about pending federal legislation affecting the Columbia River Gorge area. And I appreciate your concern also for the thousands of people living here, including myself, who feel ourselves near-helpless pawns in this political issue. Please consider the following:

1. Outside interests and people attempting to impose their will upon the residents of this area.
2. Lives and income of thousands of people affected by said legislation.
3. Capability of State and local governments to preserve the beauty of the Gorge. We want it beautiful, too!
4. $100-$200 million probable total cost to a national government trying to cut spending.

I am thankful for my country and for our government, but when environment becomes more important than people, it is time to take a long look at the principles upon which our nation was founded. Do not people, do not individuals, matter anymore? Is it only things that are important?
Thank you for your help.

Sincerely,

George C. Clark
5952 Hwy. 30 W.
The Dalles, OR 97058

Senator HATFIELD. Thank you, Judge. Thank you very much. Mr. Walker.

STATEMENT OF DANA E. WALKER, GENERAL MANAGER, PORT OF CASCADE LOCKS, CASCADE LOCKS, OR

Mr. WALKER. Thank you very much for allowing me this opportunity to be here today.

Senator HATFIELD. We are happy to have you.

Mr. WALKER. The Port of Cascade Locks, I am the general manager there, is located in Cascade Locks, OR. The Port Authority District is approximately 800 persons living within it. It covers approximately 300 square miles that extends from the Columbia River south to and including sections of Mount Hood, Oregon's highest mountain.

We are the home of the national historic site of the original locks in the Columbia Gorge completed in 1896. Our park houses the original steam locomotive that our Governor mentioned in his testimony. We take great pride in preserving history with the port.

The enactment of this bill to create a Columbia River Gorge National Scenic Area has been and is very much a current discussion item for the five elected port commissioners that I am testifying for here today.

The unknown is our message today. The unknown is always something that mankind has objected to or set as a taboo in this culture. Why? Probably fear. This statement is what our port district has heard from the people that reside in our district: fear of the unknown.

This bill has many unknowns. We feel that the paramount unknown is: What is the need for the legislation? Our State, county, city, and port district have worked extremely hard since 1978 to adopt our current land use plans, some of the most strict plans in the whole Nation, and our community was the first in the State to finalize these plans. Please review these plans and you will be impressed.

The next important issue, or unknown, of this bill is the economic impact. We feel that this study must be completed prior to the enactment of the bill, and by permitting our residents to give input, analyze, and discuss this study with you this would answer some very big, big unknowns.

The makeup of the proposed commission is the third unknown I want to talk about. Again, the fear of who will sit on this commission, what standards they will be appointed by, and the fear that their governing attitude will be different than our existing land use plans is a great unknown.

Urban growth boundaries is another unknown. Are they set properly? We sincerely hope so. As you know, the port districts are an economic element, and we are concerned about this.

The last one that we want to talk about is budgets. The future of the Federal budget availability for dollars to be used by the Development Corp. is an unknown. Also, the Secretary's budget for operating the proposed acquired lands is a very big unknown. We see existing Forest Service operated facilities in our district not being maintained or operated on a consistent basis. Does more responsibility to the Forest Service mean less dollars for each project?

In conclusion, the Port of Cascade Locks requests that this committee review our statements, and foremost, complete an economic impact statement with local input prior to enactment of the bill.

Thank you very much.

[The prepared statement of Mr. Walker follows:]

6/13/86 DEW

TESTIMONY - SENATE SUBCOMMITTEE
COLUMBIA GORGE NATIONAL SCENIC AREA

Port of Cascade Locks
Cascade Locks, OR
Dana E. Walker, General Manager

The Port of Cascade Locks is located in Cascade Locks, OR. Our Port authority district has approximately 800 persons, several thousand deer and elk, some bear, cougar and a potpourri of racoon, squirrels and chipmunks and other animal residents. The district covers approximately 300 square miles that extends from the Columbia River south to and including sections of Mt. Hood, Oregon's highest mountain.

The enactment of these bills to create the Columbia Gorge National Scenic Area has been and is very much a current discussion item for the five elected Port Commissioners that I am testifying for today.

The unknown is always something that mankind has objected to or set as a taboo in this culture. Why! Probably fear. This statement is what our Port district has heard from the people that reside in our district. Fear of the unknown.

This bill has many unknowns! We feel that the paramount unknown is; what is the need for this legislation? We know that this is a special place in our country and it is our home, so we love and protect it. Our state, county, city and Port district have worked extremely hard since 1978 to adopt our current land use plans, some of the most strict plans in the nation and our community was first in the state to finalize these plans. Please review our plans and you will find that better control is in existance than what this bill will enact.

The next important unknown of these bills is the economic impact. We feel that this study must be completed prior to the enactment. By permitting our residents to give input, analyze and discuss this study with you, would answer a BIG BIG unknown. Tax base is one of the economic concerns to our residents. By taking private ownership land from the Oregon tax roles and placing it under Federal control, we calculate that the remaining private owned land will have to assume the costs of operating our county which is already being forced to cut services due to budget deficits. Again, fear of the unknown of the future drives our residents to object to this bill. Do the economic impact statement, study it and it will address these fears.

The makeup of the proposed "Commission" is the third unknown. Again the fear of who will sit on this commission, what standards they will be appointed by and the fear that their governing attitude will be different than our existing land use plans. Why can't this commission be elected by the people, this election process has been a successful means of representation for many years. The commission needs to be responsible to "the people" not to a person! Just a minor note, the commission makeup is 3 local, 3 at large from each state, one of the locals could live in downtown Portland, Oregon, approximately 45 miles from the heart of the Gorge, and a metropolitan area.

Urban growth boundaries is another unknown. Are they set properly? Some criticism has been that local jurisdictions are not capable of managing the gorge but yet these boundaries were set approximately eight years ago for our community by these people and are being used in this bill. Under our local rules, they can be changed on review, this bill makes it very tough to change them. We hope they are accurate for the future.

Another unknown is the future Federal budget availability for dollars to be used by the "Development Corporation". Also the "Secretary's" budget for operating the proposed acquired lands is an unknown. We see existing forest service operated facilities in our district not being maintained or operated on a consistent basis. Does more responsibility mean less dollars for each project! Several questions that have come up in reading the legislation. How does this legislation address Port jurisdictions and land mass boundaries? How does this legislation address recreational facilities such as tramways? These issues are very dear to our Port district and are unknowns! Again a fear and a result that is non-supportive of your efforts, an economic impact statement could address this.

We realize that it is easy to sit on the outside and criticize, we are aware of the long hours that have been put into this bill by the Seanate staff members, however, these hours are a small percentage to what are put in by our local planners, commissioners and residents that currently maintain this region.

In conclusion, the Port of Cascade Locks requests that this subcommittee review our statements and foremost complete an economic impact statement with local input.

Senator HATFIELD. Thank you very much.

Mr. HOBSON.

STATEMENT OF KENNETH D. HOBSON, CITY ADMINISTRATOR, CITY OF CASCADE LOCKS, OR

Mr. HOBSON. Good morning, Senators.

I am Ken Hobson. I have been city administrator in the city of Cascade Locks for the past 5½ years and am here representing the city this morning.

We really believe that this bill is more for the environmentalists than it is for the environment. We have managed well for over 100 years as evidenced by the beauty that is still there today, and frankly it seems rather strange to us that the defenders of the gorge as it is are somehow made to seem the radical element.

Please look at the record before we destroy what we have. I would like to quote from a letter that Governor Atiyeh wrote to us, because I think he makes our point very well for us:

"It is fair to say that on the Oregon side of the gorge especially with the land use planning program already in place, we have achieved most if not all of the objectives of the Federal legislation."

We have real problems in the gorge as evidenced by unemployment rates ranging in the six gorge counties from 14 to 35 percent, and for the thousands of out of work I must say you can't eat the view. Our first responsibility must be to the people, and for that reason we are requesting that a comprehensive impact study be completed prior to legislation being adopted in order that both we and the proponents have a much clearer idea of the costs on local people and at the national level.

The question of home rule for cities also needs clarification, both as to the boundaries and the conflicts that are set out between exemption from zoning while still being subject to certain citing criteria for development and the recreation plan itself.

We have both a land-based economy and a land-based tax system, and both of those points are critical to the city's problem with the bill. For example, if there is less timber for harvest and that results in a mill closure in Cascade Locks, that has obviously negative consequences for us as a municipality.

At the same time, on a positive note, if we have a new restaurant or some other development come in, that results in no increased tax revenue to the city of Cascade Locks, and that is the less obvious point. Local governments frankly cannot accommodate the costs of the bill as written, because there is no way to pay for planning monies. There are no recreation facilities' moneys for cities. There is no consideration for additional policing, tree trimming on our power lines that go outside the city, or any other things that the city would be expected to provide.

We recently had a survey also, and we sent this out just the first week of this month. It went out on the back of all our utility bills. We got a very good response from that: 80 percent said that they were satisfied and wanted to see a continuation of local control overseen by the State; 10 percent were interested in the bistate commission concept; and only 5 percent wanted to see a lead role for the Federal Government.

We really believe that it is true that if this legislation is passed, the gorge never will be the same again. Thank you.

[The prepared statement of Mr. Hobson follows:]

S. 2055 "Columbia Gorge National Scenic Area Act"

Testimony of the City of Cascade Locks, Oregon
Kenneth D. Hobson, City Administrator

Before the U.S. Senate Energy and Natural Resources Committee
Washington, D.C. June 17, 1986

We residents and citizens of the Columbia River Gorge recognize that this legislation is first and foremost for the environmentalists - not for the environment. We are the ones who have preserved and protected the diverse scenic quality that we know so well.

Thus, having done a very credible job of managing the lands in the gorge for many years, we are asked to relinquish that role.

CONTROL - THE PRINCIPAL ISSUE

The principal issue as regards the gorge is not scenic protection or tourism promotion; the issue is who makes the decisions regarding scenic protection or tourism promotion. The issue is control; the issue is power. The issue is whose vision of the gorge will control the future of the gorge. The proponents of this legislation are trying very hard to convince you and other members of Congress that their way is the best way. Why, is it the best way? Not surprisingly, the real answer is because it's their way. And all opposition, all other ways of accomplishing similar objectives, all other governmental entities whose normal roles would be to mediate and balance competing and conflicting interests or analyze and choose between different approaches are neutralized by this legislation.

The bill$_1$ states that we are to live "in harmony with the existing scenic and natural character of the Scenic Area." That very probably reflects the sentiments of the American Indian when white explorers first came to the great northwest

What do environmentalist proponents of this bill really have in mind for us? Another stated purpose on the bill$_2$ is "to protect the economy of the Columbia Gorge and to encourage future economic development consistent with the existing scenic and natural character of the Scenic Area."

We believe the mandates set forth in this bill will serve not to protect the existing economy of the gorge, but rather will radically redirect existing economies. We go on record once again requesting that an economic impact study be completed prior to adoption of any legislation. This bill has the potential of changing the lives of many gorge residents. Before that potentially is imposed on thousands of gorge residents, shouldn't we have a better idea about what these impacts will be? Not to sound facetious, but we feel the record would show that many of the environmentalist groups advocating this bill would be extremely concerned about impacts on wildlife if this were a development bill. We maintain that people deserve even greater consideration when the situation is reversed.

We would suggest that proponents of this legislation would not be satisfied with "a freeze of the status quo." Residents, for the most part, believe that a good job has been done in balancing competing demands and envision that care for the scenic beauty of the gorge would continue. Proponents of this bill, we believe, are not particularly interested in a balance as evidenced by the language in proposed legislation which mandates a very clear bias for a scenic, recreation environment.

THE WILDERNESS VISION

The city received a letter from a Senator indicating the gorge was a wilderness area. We fear the vision of some proponents may be such. There are thousands and thousands of residents who are opposed to any federal legislation - indeed the vast majority of the more than 40,000 people who call this area home. Many people are mad, some are frightened. Many more are worried. We as a municipality are a lot offended that this special interest group is trying very hard to change our environment, our economy, our lives. Truly we are intruders in their vision of the gorge. Strange it is how defenders of life in the gorge as it has been and is are made to seem the radical element.

It is an elitist attitude, unfounded in fact, that claims only a federal landlord can keep our property in order for us. Often dealing with change in our lives is difficult enough in itself when we have the ability to freely respond. Is it surprising, then, that our fear level is heightened, when our control is radically diminished? Proponents of scenic area legislation for the gorge are claiming that what we most need to be saved from is ourselves; we couldn't disagree more.

Our record is not one of insensitivity; it is one of concern and care, no small part of which comes in knowing that it is our responsibility. But this legislation would change that relationship. What we, and other residents of the gorge are trying to do is have the congress understand that there exists an economy in the gorge now, that we are the major part of that economy and that if through this legislation the gorge economy - and our lives - are forever to be altered, then it should be very thoroughly studied and fairly evaluated before any irreversible actions are taken and that we, as residents of the gorge, should have the primary role in that determination.

Any legislation if adopted must affirm and protect the fundamental rights of gorge residents to continue living and working here in traditional occupations and provide meaningful mechanisms for local participation and representation in any regional planning body. We cannot, as some would have us, look at the gorge through the eyes of Lewis and Clark.

EXERCISING BALANCE

It is important to note and the foundation of our objections to this legislation, that we are in basic agreement with the "FINDINGS" as presented. Note particularly "FINDING" (13)[3] which speaks to the competing uses of the gorge: "federal hyroelectric power facilities, highways, ports, navigation and industrial facilities, surface mining, residential and commercial development, farms, orchards, and forest production." While we're not sure what's meant in describing those as "intense," it is true that within the gorge all of these do exist. The city does not believe it is the intention of this bill to eliminate all but one of these "competing uses" (though others may), so it is that our concern remains the principal one of who will have the decision making power in balancing these uses. At the present time, Oregon residents of the gorge make those decisions through locally elected councils, boards and commissions in compliance with state land use laws. But again we are concerned with what may result from a federal bill that includes such purposes as "to provide for and manage public use and enjoyment of the Columbia Gorge in a manner consistent with natural resource protection and maintenance of the existing rural landscape, including the establishment, acquisition, maintenance, and operation of public recreation and natural areas and facilities to meet the needs of a growing regional population."[4]

The implication seems clear. We are, this bill claims, in the "regional population's" scenic recreation area. It requires no great insight to come to the conclusion that residents should go about being proper hosts and providing the services in the fashion the visitors expect. The choice of whether or not to conform to that scenario may have to be voted by persons electing to leave the gorge; and anyone who may be tempted to scoff at that suggestion as being melodramatic, is invited to reread the proposed bills as if it were your home that was slated for imposition of a management plan that you had no meaningful control over.

Isn't it local residents who have preserved and protected the diverse scenic quality we know so well while the federal government has made what changes it felt best? Isn't it the federal government that doesn't have enough money to maintain and manage properly the holdings it's now responsible for? Isn't it the federal government that has been talking about returning more decision making to local government? Doesn't the federal government own nearly 90% of the Oregon land proposed for this area already and thus if the goals of this bill haven't already been substantially achieved, shouldn't that tell us something? The vise of losing traditional jobs and confiscation of private property may squeeze the life, as we know it, out of the Columbia River Gorge. Then proponents would offer us a camping space (if we arrived early in the day) that we might come and visit, in order that we could say, this used to be home.

A CASE FOR A BILL?

The findings, toward the end, try to make the case for a federal bill:[5] insufficient funds, differing protection approaches and disjointed mangement. Local, state and federal authorities all wish they had more money to work with to do many good things. Local and state governments deliver services within balanced budgets to a level that residents are willing to pay for. We see no additional federal tax proposal as a part of this bill to pay for federal improvements or replanning.

Proponents of federal legislation would have us believe that differences among jurisdictions in how to plan for the protection of the gorge somehow results in poor management. That takes a leap of bad faith. We in Cascade Locks want to present a clean and cared for image. One of the things we do to implement that is enforce a solid waste collection program. We could have hired more people to patrol for litter. We could have our resident deputy write more tickets for littering. We could have a big trash can on every corner. The important this is we made a choice and it works for us. The city would suggest had that same decision been made by some outside agency, for example a bi-state commission, the acceptance level would be considerably less. Human nature being what it is, we simply accept our own decisions and our own self-imposed limitations more readily than we do those imposed upon us. And if our protection for the gorge is working, and we believe strongly it is, why change it?

We find no particular problem with "disjointed", if that mean acknowledging that different entities do exist. Anything can be spoken of as a "potential" threat; that's meaningless. We could even make the case for the benefits of different approaches evoking a particular character or how we interact and learn from one another as to how best accomplish our objectives. The most critical idea we wish to convey is let's look at the record before we destroy what we have for an unknown. Governor Atiyeh makes our point very strongly in a letter he wrote to the city, "It is fair to say, that in the Oregon side of the Gorge especially, with the land use planning program already in place, we have achieved most, if not all, of the objectives of the federal legislation." The burden of proof for the need or even desirability of any federal bill should be clearly with the proponents. We invite close scrutiny in Oregon of one of the most progressive statewide land use management systems in the country. We ask confidently of proponents of a list of our failures, knowing it cannot be produced. And we ask that our elected representatives at both the state and federal level who are proponents reassess their stance and give the deserved support to a successful local/state partnership in planning that is the envy of other jurisdictions.

NATIONAL SIGNIFICANCE, CONSISTENCY AND CREDIBILITY?

And what should a reasonable man make of the claim that "Well, that may be true, but the gorge has national significance." First, it's unclear what "national significance" is in this instance or what it should be. There is no universally accepted definition of "nationally significant scenery." If we were to agree that it is, then it would be true of countless other places as well. And does it follow as a consequence that the federal government needs to control the area?

The answer is a very probable no; but in those cases when indeed it does happen, then shouldn't the entire population of the nation share in the expense? Yet in this instance the proposition is control with partial funding, the balance to be paid by local residents. The logic is particularly painful when it's your pocket that's being picked.

And what of some of the logic of proponents? Where is its consistency? The environmental lobby behind this legislation will point to the Columbia River Gorge Highway in Oregon or the Broughton Flume in Washington, claim those as scenic and historic and request protection and enhancement. Does it bother them, as it does us, that had this legislation and their thinking been the law for the past 100 years, neither of these would exist?

A word about credibility of intent and commitment. How often have we seen members of the environmental lobby physically in the gorge working to improve its scenic qualities? In my 5½ years as city administrator, no individual or group from outside the gorge has to my knowledge worked within or even near Cascade Locks to make it a nicer place for visitors. It's the residents who care for the gorge; it's us. We're caring for the gorge in the most difficult, but effective way possible, by our example.

PEOPLE FIRST - NEED FOR ECONOMIC IMPACT STUDY

The city's responsiblity, as it should be for all governments, is to first serve the people - recognizing that people must, indeed come first. The principle that one resident of Cascade Locks is worth more than all the trees and waterfalls the gorge has to offer may not be readily acknowledged by some proponents of this legislation. It is this greater concern for people than scenic vistas that is at the heart of our opposition to this legislation and the changes it would force upon us.

For this reason a comprehensive economic impact study must be done prior to any legislation being adopted. An economy, though severely depressed, does exist.

We have to have better information as to how our existing economy is functioning today and how it would be transformed by such far-reaching bills as have been introduced. We need a complete inventory of property that would be considered for outright purchase or building rights, the effects of such acquisitions on individuals, communities, utilities and government entities, both the human and financial costs of such a change, facts about the make-up of the existing economic structure and the likely affects of such a dramatic change. If expenses of timberland are reserved for scenic uses, what of our mill workers? If less land is taxable, who will pay more? Are we faced with presentation, transformation or depopulation? The problem is no one really knows what's being offered. We do know, however, the basics of what's needed - a diversified, permanent economic base. When Skamania County is experiencing one-third unemployment, they don't need another layer of planning and management hurdles, they need jobs. Notwithstanding a popular TV advertisement of a few years back, you can't feed the family on the view.

THE CITY RECORD

The city has been and is now actively supportive of land use planning efforts, the promotion of tourism and the protection of scenery and historical and cultural sites. We may be small and to many in this country, insignificant; but naturally, we see it a little differently. We were the first customer of Bonneville power. Our first comprehensive plan was adopted in the early 60's. We tackled an urban renewal project that we were told couldn't be done. We have the only municipally owned cable tv system in Oregon, because private enterprise said it wasn't feasible. The city operates a museum and is working on plans for an interpretive center. And the Port of Cascade Locks has returned sternwheeler traffic to the Columbia Gorge. We haven't been afraid of change. But is there a demonstrated need for this bill? Do we really need remote controlled bureaucrats making the decisions that vitally affect our lives? Who would really pay for this scenic area, and who would really benefit?

SOME PARTNERSHIP

All legislation that has been introduced over the past several years has tried to claim respectability by euphemistically labelling the effort a "planning partnership."

Unfortunately, when the legislation calls for forming a partnership, its intent is to prioritize the relationships and planning that already exist in the gorge. Henceforth, the senior partner would be the Secretary of Agriculture. The partnership language is an offensive charade, dusky smoke and mirrors.

The language of the bill clearly asserts the primacy role of the federal government in local land use planning.[5-1] This override provision stated another way is that the Secretary of Agriculture's vote for planning is this area is equal to that of any seven members (a majority) of the Columbia Gorge Commission. We strongly believe that any "partnership" constructed so as to give such overwhelming authority to one partner is destined to fail. In looking at business partnerships as an example, we cannot envision that such an inbalanced partnership would ever be voluntarily entered into, unless the favored partner was bringing something of considerable value and need to the lesser partners. With the testimony you have received and on the record, it is convincingly clear that residents of the gorge are not at all persuaded of the need for a predominant federal role, nor see any potential benefits as outweighting the known and possible detriments.

If a bill were to be passed it would be important that a true partnership exist as objectives in the proposed legislation are in many ways basically in opposition to one another. They are stated in terms of being compatible, but in reality are not. Each and every principle standing by itself is meritorious and nearly everyone can embrace them with enthusiasm. Add to these other equally laudable principles which local governments adhere to and we soon find there exists many competing objectives. The role, then, of government is one of balancing these objectives and exercising agreed upon leadership.

THE COMMISSION

In the apportionment scheme set out for the commission, there is no consideration for either the resident population directly affected or the land area directly affected.[6] Either or both would be more equitable than the suggested one from each county. And although the urban areas are where the vast majority of the affected population resides, those cities' governing bodies have no say in Commission representation. We believe any appointee must be a resident of the area and elected commissioners would be preferable. And in the article following,[7] the equal number of governors' appointees to "locally appointed" members further distances us from local control. The governors' appointees, at the very least, should be residents of the scenic area. In all of this, our concern is that there should be a direct relationship in the representation formula between those who would formulate the plans and those most directly affected by them, the residents of the gorge.

Commission members are unlikely to be as knowledgable of or as responsive to local conditions as local residents would be. Local elections, recall and referendum provide effective control mechanisms now for gorge residents. Greater citizen protection should be offered within the framework of any legislation under consideration. Granted, government at every level has a credibility problem; but it's important to note that local government is still the most trusted. Local leaders have a long term continuing involvement with their constituency , even when not always in a political role. This may well not hold true for some remote-controlled commission bureaucrat or federal agency head.

PUBLIC INVOLVEMENT

The public involvement called for in the legislation, from an Oregon perspective, is almost callously casual. It's significant to note that in Oregon's Statewide Planning law Citizen Involvement is the first of the mandated goals and there is a true commitment to that. It's been said that one of Oregon's most popular "indoor sports" is attending local community and civic meetings. It says we care about our communities and we've earned a national reputation for that. We are proud of that record, but this legislation will take away what we've painstakingly built over many, many years. When the city council meeting bumps Monday night football off the TV at the local bar - as sometimes happens in the Locks - you know citizen involvement is alive and well.

HOME RULE

Use to be that a man's home was his castle. We've obviously all moved quite some distance from that position of individualism. There is a legitimate community concern, but to extend that to Washington, D.C. exceeds any previous test of legitimacy.

The principle of home rule is first among all cities. The city has a state recognized charter and urban growth boundary. Any definition of the Cascade Locks urban area should clearly state that the boundary of our urban area is that UGB area the state recognizes and not the city limits. Not only zoning should be exempt, but cities should not be governed by a recreation plan or the management plan itself. Current wording could well be interpreted to mean that zoning power has been left to the cities only to implement the commission's management plan as it deems appropriate.[8]

A MUSEUM MENTALITY

Are only "historic economic pursuits" to be allowed? We are in adamant opposition. One only has to look at the obvious example of windsurfing and what it has meant to the recreation potential of the gorge as well as the economic benefits that have accrued to know that that kind of limitation would be a serious mistake. We are not at all interested in providing the animation for a living gorge museum; the curators are the ones who decide when the exhibits should be changed.

LAND BASED ECONOMY AND TAX SYSTEM

In the gorge in Oregon we have a land based economy and a land-based local tax system. That is critical to the understanding of many of the adverse consequences that are likely to arise from passage of scenic area legislation in its current form. Our viability as a community is very directly affected by land productivity, principally timber, outside of the city's urban growth boundary (UGB); thus an exemption from zoning or even all commission plans does not exempt us from the negative impact of a mill closure or cutback.

As you know Oregon does not have a sales tax. An increase in tourists brings in no increase of tax revenues for either cities or counties. What you should also know is that with Oregon's property tax system, if a new restaurant is built in the city, we receive no additional tax revenues. New development does not equate to increased revenues.

It's a given that the tax burden on our city residents would increase as county lands were purchased by the government. As our tax rate increases, our citizens find it more difficult to finance needed city services. We are affected. Under this legislation we would expect the resident population of the gorge to decrease. To the extent this makes it impossible for businesses to survive simply due to number of customers, we would be affected.

LOCAL RESIDENTS IMPACTED

The impacts would be very difficult for us to absorb. We would expect higher planning costs for coordinating and processing through an additional bureaucracy. The legislation indicates some planning monies for counties, none for cities. As cities are to provide urban services for a greater visitor population, there should be monies provided for infrastructure, recreation and other needed facilities; there is not. The city distributes electrical power for about 26 miles through the gorge. If a more restrictive maintenance or tree trimming standard is imposed, who should pay the cost of that? If mills close or other customers are lost, the cost of power goes up for anyone still on the system. We are near to losing our high school now, which would make commuting for students to Hood River necessary 20 miles distant. If there is a futher population decrease, this is a real likelihood. How greatly are our chances diminished for economic survival, let alone betterment, if that occurs?

We would require greater police protection. Police are funded through property taxes. We would require increased ambulance service, which is partly funded through property taxes. We would need to perform more street maintenance work more often; it's partly funded on the property tax rolls. We would likely need additional park and recreation areas. They are entirely funded through property taxes. It is not difficult to answer the question of who would pay for much of the costs associated with this legislation; it's much more difficult to say how. If the federal government were concerned at all with fairness and equity in this situation, any leglislation would contain specific provisions for formally aiding local governments not only in the replacement of lost tax revenue due to federal acquisition, but for these types of costs indicated above. For non-residents of the gorge to impose their plan on us that we don't want and then force us to pay for it is the ultimate in government effrontery.

COSTS

With federal deficits at record high levels, it seems a strange time to be adopting unneeded and unwanted legislation. The same Forest Service that is to take on additional land and planning responsibilities under this legislation cannot adequately maintain their existing properties here in the gorge. We observe that on a regular basis; we live here. The GAO asked the question of whether the federal government should continue indefinitely acquiring land (more than half of Oregon is federally owned now). We invite you to review their answer.

We recognize this to be only an exercise in decisionmaking, but consider what the result might be if the many millions of dollars that would be spent in duplicative planning efforts and purchase of private lands went instead to public improvement and economic development loans. This does raise the very real question of how such improvements and new infrastructure would be financed.

LOCALS POLLED

Please find attached Resolutions No. 497, 414 and 389 adopted over the past five years by the city council of Cascade Locks. They all speak to our clearly expressed preference for operating under current land use laws of the city and State of Oregon. Our most recent survey taken earlier this month shows our position is representative of an overwhelming 80% of residents in Hood River and Multnomah Counties that we serve with electrical power. Only one in ten indicates a preference for a bi-state commission and one in twenty for direct federal control. We believe this sample is representative of the Oregon population in the gorge and would expect no less support for local land use control on the Washington side of the river.

We would ask proponents of scenic area legislation to think that as sure as they are of their cause, what if we're right? Promoting tourism and conserving natural areas are often competing objectives. Think about the trampled wildflowers, the litter that the Forest Service can't afford to pick-up. Think about the homeowner who's then powerless to influence land use decisions except by painting his house pink in protest. Please think about the effect of disenfranchising people who've lived and worked in the gorge helping to make their homes a beautiful place to live. Please think about people first and last.

SUMMARY

In conclusion we make the point again that this is not a preservation bill. Federal legislation and management is a transfer of responsiblities from elected local and state officials to appointed "experts" whose qualifications for the job include neither residency and direct familiarity and contact with the land and the people who live on it, nor a real life stake in what happens to us. We have proven ourselves careful stewards of this land. We fear that this legislation would in great part deny us that role in the future.

We continue to object to the process whereby environmental activists from throughout the contry seek to gain management control over the gorge to serve their own very particular purposes and are encouraged and supported by some of our congressional representatives while our concerns are inadequately addressed.

We request that the House of Representatives hold field hearings in the gorge as this has not been done as was promised earlier. We request that a comprehensive economic impact study be completed prior to any further consideration of legislation. Recall that we have a land-based economy and tax system that cannot accommodate the transformation in the gorge that is envisioned in this legislation without significant disruption and hardship for the 40,000 plus people who live here. We are for people first and last and that concern should be your concern.

The very small City of Cascade Locks has sent representation to Washington, D.C., some 3000 miles distant to remind any who will listen that local governments are serving the gorge well and that the license granted this legislation to persons with a very narrow interest in the gorge would in fact transform our communities and our lives. In this drive for a federally sponsored scenic area we are confronted with property confiscation and community determination without representation, a future vision, no longer ours to dream or to realize. It is true; if this legislation passes, the gorge will never be the same again.

FOOTNOTES

S.2055

1 Sec. 3(b)(6) p. 9
2 Sec. 3(b)(5) p. 9
3 Sec. 3(a)(13) p. 7
4 Sec. 3(b)(9) p. 10
5 Sec. 3(a)(13)(14)(15)(16) pp. 7, 8
5-1 Sec. 6(d)(3)(B) p. 26
6 Sec. 5(a)(1)(c)(i) p. 14
7 Sec. 5(a)(1)(c)(ii) p. 14
8 Sec. 6(b)(3)(4)(5)&(7) pp. 22, 23

RESOLUTION NO. 497

A RESOLUTION MEMORIALIZING THE RESULTS OF A COMPREHENSIVE SURVEY OF GORGE RESIDENTS REAFFIRMING THE STRONG SENTIMENT FOR LOCAL CONTROL AND MANAGEMENT.

WHEREAS, a survey was taken June 2-9, 1986 of residents in the Columbia River Gorge communities of Bridal Veil, Dodson, Warrendale and Cascade Locks (approximate population, 1200), and

WHEREAS, respondents to the following question totalled nearly 20% and indicated their management choices to be the following:

The question: There exists significant differences in opinion as to what form or level of planning is best for exercising general land use control and preserving the beauty of the Columbia River Gorge from Troutdale to The Dalles. What do you think is the best approach?

The replies:

80% .. A) Local units of government exercising control with state oversight (LCDC) as at present.
4% .. B) Direct State control.
10% .. C) A bi-state commission of appointed persons who develop a plan and control.
5% .. D) Federal government, through an agency such as the Forest Service, develops a plan and controls.
1% ..E) Other.

WHEREAS, this survey of the people who will be most affected by any federal or state legislation, once again reaffirms the stand addressed in past resolutions and testimonies made by the City in opposition to any federal control or management,

NOW THEREFORE BE IT RESOLVED by the Common Council of the City of Cascade Locks that local ordinances and land use management controls have proven and are adequate for protection of the scenic values of the gorge and thus, any increased federal role or additional layer of bureaucracy as with a bi-state commission is strongly opposed.

Adopted by the Common Council of the City of Cascade Locks, Oregon, on this 9th day of June, 1986.

Nola M. Nolin
Mayor

ATTEST:

City Recorder

RESOLUTION NO. 414

A RESOLUTION OF THE CITY OF CASCADE LOCKS IN OPPOSITION TO FEDERAL MANAGEMENT OR CONTROL OF THE COLUMBIA RIVER GORGE.

WHEREAS, Oregon Senate Bill 100 established statewide planning goals and guidelines and is acknowledged as one of the most progressive and far-reaching planning efforts in the country, and

WHEREAS, said legislation has been implemented locally through the State Land Conservation and Development Commission's acknowledgement of the city's comprehensive plan and urban growth boundary and similar plans are now being processed for Hood River County and other local entities, and

WHEREAS, said comprehensive plans incorporate local citizen involvement to a high degree and the council believes these local planning efforts are most desirable for planning and protecting our own land in the Gorge community, and

WHEREAS, it is our belief that there are more pressing needs and priorities for scarce federal dollars and that we cannot economically accept an ever-shrinking base of privately owned lands, and

WHEREAS, the results of a local survey distributed to all residents living between Bridal Veil and Wyeth showed only 1.6% of all respondents in favor of federal government management of the Gorge,

NOW THEREFORE BE IT RESOLVED, that the Council of the City of Cascade Locks, Oregon is opposed to any legislation which would provide for federal agency planning, management or control of any lands in the Columbia River Gorge other than that which those agencies may now control.

ADOPTED by the Common Council of the City of Cascade Locks this 10 day of January, 1983.

Eugene Millis
Mayor

ATTEST:

City Recorder

RESOLUTION NO. 389

A RESOLUTION STATING THE CITY OF CASCADE LOCK'S POSITION RELATIVE TO POSSIBLE LEGISLATION AFFECTING THE OPERATION OF LOCAL LAND USE PLANNING.

WHEREAS the Oregon Senate Bill 100 has established a set of land use planning controls, in the form of policies, implementation procedures, and appeals process, that are currently in effect in the Columbia River Gorge, and that adequately provide for slow, controlled development of the area, allowing for scenic preservation,and

WHEREAS, implementaion or èlimination of controls by a political entity not responsible to the effected citizens could seriously detract from the economic well-being of the City and citizens, the personal rights of the local property owner, as well as jeopardize the scenic qualities of the area.

NOW THEREFORE BE IT RESOLVED that the Council of the City of Cascade Locks, Oregon is opposed to any legislation that would permit a political entity to override or interfere with the implementation of the decisions of the land use planning and zoning agencies currently in existence in and effecting the City of Cascade Locks, including condemnation of privately owned property.

ADOPTED by the Common Council of the City of Cascade Locks this 1[illegible]th day of June, 1981.

ATTEST

Elva M. Fanning
City Recorder

Eugen Mills
Mayor

Ludwig Caminita a.k.a. J. Curtis

Sam Muncie

Sherry W. Allen

Senator **Hatfield**. Judge Hulse, you raised the point of an economic impact study, and others have alluded to it. There has been some very serious discussion between the sponsors of the bill that an economic impact study be done, within the context of the management plan. In fact, if my information is correct, I think we have three studies that have already been conducted by different entities, one by the State back in 1979, and two local.

I know that whatever studies have been made have been perhaps fractured as far as looking at the total gorge as an economic unit, and that some of those studies would have to be updated if they were to be valid today. But I think you raise a valid point, and we have given that as I say some very serious thought as to how it should best be conducted and how it should best be implemented.

I want to thank all of you for your comments, and for the distance that you have traveled to be here today.

Senator Evans, do you have questions you wish to ask this panel?

Senator **Evans**. Mr. Fawbush, how many votes does it take to override the Governor's veto in Oregon?

Mr. **Fawbush**. Two-thirds.

Senator **Evans**. Two-thirds?

Mr. **Fawbush**. Forty-one.

Senator **Evans**. Two-thirds is a percentage?

Mr. **Fawbush**. Yes.

Senator **Evans**. Are you aware of any other override that requires more than two-thirds?

Mr. **Fawbush**. No. I think I see your point, Senator. If the composition of the public side of the commission were to be different, then I think the two-thirds standard should be followed. In this case, I think if I understand that correctly, what you have in effect is a working majority that is required for agreement on a normal basis also being the only requirement for overriding the Secretary's veto of a proposed plan. It seems to me one of the real difficulties, which we have experienced here from the people before you on this panel, is the real diversity of opinion between the two States and between the two communities without somebody to crack the whip over the folks and bring about compliance.

I am not sure that any plan would have the lasting impact we would want it to have unless there were some mechanism to bring closure on these issues. I think that is a small step in that direction, giving this Secretary the ability to require that kind of compliance.

Senator **Evans**. Seventy-five percent?

Mr. **Fawbush**. Yes.

Senator **Evans**. Why not 100 percent? That would really give him the chance to get compliance.

Mr. **Fawbush**. Well, I guess what we are engaged in is trying to really figure out where you draw the line. I have given you my suggestion, and I would probably step beyond my bounds in doing that. So I think I would probably stop there.

Senator **Evans**. No, no. This is an opportunity to hear from everybody and hear ideas. I appreciate at least all of them. It is the idea of having more votes on the second time around than the first time around. If you had eight votes the second time around, how about seven votes, just a simple majority, the first time around?

Mr. FAWBUSH. Hopefully you would not have a second time around.

Senator EVANS. Well, I think that is what everyone hopes for.

Mr. FAWBUSH. Whenever we pass a piece of legislation and our Governor sees fit to threaten to veto, we hope that is not the case, but then that does set up an extraordinary situation. Otherwise, there is no reason for the executive's authority. It seems to work well in that process. I would hope it would work well in this process.

Senator EVANS. Judge Hulse, you talked about compensation for loss of local tax revenues. Would it be fair that if an economic study were done, or if experience showed that the establishment of gorge legislation would increase your local tax revenues, that you would share those with the Federal Government?

Judge HULSE. Well, we would think about it. [Laughter.]

Senator EVANS. What is fair on one side ought to be fair on the other side, should it not?

Judge HULSE. We would think about it, but I would have to take it up with the rest of the court.

Senator EVANS. I just wanted to bring up that there is a remote potential that that might happen, and if it does happen I think there are some who suggest that that would create the added attraction that might well increase rather than decrease tax revenues, and that there would be benefits then accruing to the local communities as a result.

Judge HULSE. I would certainly hope it would be that way.

Senator EVANS. I would be the last one to ask that you share those with the Federal Government, however.

Judge HULSE. We will take that under advisement. [Laughter.]

Senator EVANS. I do appreciate the rather extensive proposal, and I think that it is a very good one, at least so far as I have had a chance to analyze it on the interpretive center. I think that that would be a very important part of any plan, and I appreciate very much that you brought that to our attention with as much detail as you have.

Judge HULSE. Thank you.

Senator EVANS. I appreciated the other testimony, as well.

Senator HATFIELD. Unless there is objection, I would like to include in the record at this time a letter from Max Peterson, the Chief of the Forest Service, to Representative Robert Smith of Oregon relating to the question of economic impact studies, following my remarks in the record that I had made previously on this subject, because in this it does outline again the question the Judge raised and indicates it would be difficult to make an appraisal or a study until there is a more detailed idea as to what direction the gorge legislation would take and its impact upon or its relationship to that economic impact. We will include that as part of the record.

[The letter follows:]

United States
Department of
Agriculture

Forest
Service

Washington
Office

12th & Independence SW
P O Box 2417
Washington DC 20013

MAY 27 1986

Reply to 1920/1510

Date MAY 2[illegible] 1986

Honorable Robert F. (Bob) Smith
House of Representatives
Washington, DC 20515

Dear Congressman Smith:

Thank you for your letter regarding the potential economic impact of legislation in the 99th Congress to establish a National Scenic Area in the Columbia Gorge. To our knowledge, no detailed economic assessment has been done for the Gorge legislation. Therefore, our comments are limited to a very general appraisal at this time. A more detailed economic impact analysis cannot be completed prior to the June hearings.

The objective of this legislation, from our point of view, is to provide a mechanism to help maintain the current way of life and economic conditions for the local people in the Gorge, as well as to preserve and protect the aesthetic, scenic, and recreational values of the area. The legislation would support this objective in the following ways:

1. Development on all lands (including private) would be better organized and coordinated through good planning and zoning. This appears to be one of the main purposes of the legislation. As we understand the legislation, the major reliance will remain with state and local governments for the use and control of private land.

2. This legislation should not effect the current market value of the land. Future values of private lands could increase as a result of protecting the scenic values of the Gorge. The value of other lands may increase, particulary where development is allowed, such as in the urban areas.

3. Government acquisition of lands in the Gorge would reduce the local tax base, but this could be partially offset with other sources of revenue, for example, the 25 percent fund payments, payment-in-lieu-of-taxes, tourism commerce, and related local taxes. Acquisition by scenic easements could limit or change the appearance of development. Easements are intended to control the place, time, and type of development to that compatible with the protection objectives of the Gorge legislation. The anticipated Federal rule in the acquisition of land or interest in land varies somewhat between the various legislative proposals.

4. Based on previous experience with National Recreation Areas, the number of recreation visits will likely increase if the Gorge receives special designation. We anticipate no significant problems resulting from this additional use.

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5. The legislation should not have a major detrimental effect on jobs, or on the current way of life. It would tend to stabilize the employment and social structure of the people in the Gorge. Organized development and planned growth should be one of the major benefits.

The Forest Service has encountered expressions of concern and uncertainty, similar to those you received at your recent meetings during the legislative process for other special area designations (National Recreation Areas, Wilderness, Wild and Scenic Rivers). In many cases these concerns disappeared after passage of the legislation when the various levels of government worked through implementation with affected citizens and interest groups.

We recognize that our response has been very general, but a detailed economic analysis would require several months to prepare and would need to be a joint Federal, State, and local effort to adequately take into account a future multi-governmental structure in the Gorge.

We would be happy to discuss with you our management and experience in other areas which have been designated as National Recreation Areas.

Sincerely,

For R. MAX PETERSON
Chief

Senator HATFIELD. Thank you very much, gentlemen, for your help this morning. You have given very good testimony.

I would like to now request that Mr. Ray Olney and Mr. Nelson Wallulatum come forward.

Then I would like to invite the next panel to take their position here behind the table so they will be ready to come to the table. Mr. David L. Cannard, Vancouver, WA; Ms. Jean Grattet of Vancouver; Mr. Vern Veysey of Clark County Commissioners; the Honorable Joe King of the house of representatives for the State of Washington; Mr. Fred Holly, chairman of the Klickitat County Board of Commissioners, accompanied by Steven Anderson; and Ms. Betty Thompson, port commissioner for Klickitat County.

You have multiplied. Mr. Olney, are you the spokesperson here this morning? Do you wish to begin your testimony and introduce your colleagues?

STATEMENT OF RAY OLNEY, CHAIRMAN OF THE LEGISLATIVE COMMITTEE, TRIBAL COUNCIL OF THE YAKIMA INDIAN NATION, ACCOMPANIED BY LEO ALECK, SECRETARY, GENERAL COUNCIL, YAKIMA INDIAN NATION; AND TOM ELI, MEMBER, FISH AND WILDLIFE COMMITTEE, TRIBAL COUNCIL OF THE YAKIMA INDIAN NATION

Mr. OLNEY. Thank you. Mr. Chairman and members of the Committee:

My name is Ray Olney. I am an elected member of the Tribal Council of the Yakima Indian Nation, a sovereign tribal government, and serve as chairman of the legislative committee, accompanied on my left by Leo Aleck, secretary of the general council, and Tommy Eli, a member of the tribal council fish and wildlife committee. I wish to express today the feelings of my tribe concerning S. 2055 or, as we call it, the gorge bill.

I am submitting separate testimony for the record and would like to summarize our position.

The Yakima Indian Nation is a confederation of 14 tribes and bands of Indians united together as one nation under treaty of 1855 with the United States. Prior to treaty times, our people all lived on the Columbia River itself or on one of its tributaries.

Unlike many other Indian tribes today, the Yakima Indian Nation and its members continue to reside on and make continuing use of our ancestral grounds, our lands. Our people continue to resort to the Columbia River and its tributaries for our fish, natural foods, medicines, and for preservation of our culture and religious heritage, including following traditional methods of electing chiefs to lead us in our longhouse culture and religion.

The Columbia River Gorge on the Washington shore of the Yakima is virtually entirely within the area ceded by the Yakima Nation to the U.S. Government in the treaty of 1855. While many of our people lived on the main river and its tributaries outside the gorge, the gorge in its abundance was and remains the heart of the Yakima culture. To many of my people, the gorge is of great religious importance and has similar meaning as would Jerusalem to the Jewish people or Mecca to the Moslems.

Our Indian religions were passed down from generation to generation in the gorge. Many of our ancestors are buried in locations throughout the gorge. We still practice the first salmon ceremony every spring, as our people have done since time immemorial.

Needless to say, the Yakima Indian Nation is very concerned about the preservation and protection of the Columbia River Gorge and therefore the provisions of this bill.

Since the coming of the white man and the consequent development within the areas of the gorge, we have seen much of what was left of our ancestry destroyed by dam building, industrial development, agricultural development, city growth, logging, mining, and the consequent environmental degradation.

We have seen the degradation of our burial grounds and antiquities, and we have seen our calls for help on these matters ignored by local law enforcement authorities. Our views are never sought on how development might affect our people and many actions taken have been detrimental. Even today, the number of windsurfers has increased without regard to the fact that they are destroying our fishing nets.

We also have problems with the fact that some of our allotments and in-lieu sites have been surrounded by non-Indian lands and then we get accused of trespassing just so that we can get to and from our properties.

The Yakima Nation in its treaty of 1855 reserved unto its members the right to continue to resort to its usual and accustomed fishing places to continue to harvest, for commercial subsistence and ceremonial purposes along the river and its tributaries, and to hunt and gather roots and berries necessary for subsistence and natural medicines.

Our Indian people have watched as non-Indian development has slowly but surely encroached upon these practices, destroying some of them forever. Indeed, the Yakima Indian Nation wishes further such encroachments be halted.

The Yakima Nation sees S. 2055 as a vehicle to provide protection from further losses. The Yakima Nation is also concerned for the status of lands owned by the tribe and/or individual tribal members and held in trust for them by the U.S. Government, for fishery in-lieu sites, and for Celilo Village.

All of these lands enjoy their Federal trusteeship, oversight, or management through the Department of the Interior.

Senator HATFIELD. Could you summarize in one sentence or two the remaining part of your statement?

Mr. OLNEY. Yes, sir, Senator.

We have 6,000 acres that is trust property, and a point with our amendments that are submitted is that we want to make sure that they stay in trust responsibility, and in no way would we like to go ahead and change or alter our treaty.

[The prepared statement of Mr. Olney follows:]

TESTIMONY OF THE CONFEDERATED TRIBES AND BANDS OF THE YAKIMA INDIAN NATION BEFORE THE UNITED STATES SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES CONCERNING THE COLUMBIA GORGE NATIONAL SCENIC AREA ACT

Mr. Chairman and members of the Committee, my name is Ray Olney, I am an elected member of the Tribal Council of the Yakima Indian Nation and serve as Chairman of the Legislative Committee, accompanied by Leo Aleck, Secretary of our General Council, and Tom Eli, a member of the Tribal Council Fish and Wildlife Committee. I wish to express today the feelings of my tribe concerning S.2055 , or as we call it, the "Gorge Bill."

The Yakima Indian Nation is a confederation of fourteen tribes and bands of Indians united together as one nation under our Treaty of 1855 with the United States. Prior to treaty times our people all lived on the Columbia River itself or on one of its tributaries. Unlike many other Indian tribes today, the Yakima Indian Nation and its members continue to reside on and make continuing use of our ancestral lands. Our people continue to resort to the Columbia River and its tributaries for our fish, natural foods, medicines, and for preservation of our cultural and religious heritage, including following traditional methods of electing chiefs to lead us in our longhouse culture and religion. The Columbia River Gorge on the Washington shore of the river is virtually entirely within the area ceded by the Yakima Nation to the United States government in the Treaty of 1855. While many of our people lived on the main river and its tributaries outside the Gorge, the Gorge in its abundance was and remains the heart of the Yakima culture. To many of my people the Gorge is of great religious importance and has similar meaning as would Jerusalem to the Jewish people or Mecca to the Moslems. Our Indian religions were passed down from generation to generation in the Gorge. Many of our ancestors are buried in locations throughout the Gorge. We still practice the first salmon ceremony every spring as our people have done since time immemorial. Needless to say, the Yakima Indian Nation is very concerned about the preservation and protection of the Columbia River Gorge and, therefore, the provisions of this bill.

Since the coming of the white man and the consequent development within the areas of the Gorge, we have seen much of what was left of our ancestry destroyed by dam building, industrial development, agricultural development, city growth, logging, mining and the consequent environmental degradation. We have seen the depredation of our burial grounds and antiquities and we have seen our calls for help on these matters ignored by local law enforcement authorities. Our views are never sought on how development might affect our people and many actions taken have been detrimental. Even today the number of windsurfers has increased without regard to the fact that they are destroying our fishing nets. We also have problems with the fact that some of our allotments and in-lieu sites have been surrounded by non-Indian land and then we get accused of trespassing just so that we can get to and from our properties.

The Yakima Nation in its Treaty of 1855 reserved unto its members the right to continue to resort to its usual and accustomed fishing places to continue to harvest, for commercial subsistence and ceremonial purposes along the river and its tributaries, and to hunt and gather roots and berries necessary for subsistence and natural medicines. Our Indian people have watched as non-Indian development has slowly but surely encroached upon these practices, destroying some of them forever. Indeed, the Yakima Indian Nation wishes to see further such encroachments halted.

The Yakima Indian Nation supports the concept of S.2055 and its intention to slow growth in the Gorge and to protect the areas where the Yakima Nation and its members exercise our most important treaty secured rights.

In the past, the Yakima Nation, in spite of its Treaty of 1855 standing as the supreme law of the land, has had little voice in the development of the Gorge. As a consequence, we have seen our grave and village sites destroyed, our fishing places flooded, and developed for non-Indian uses thereby rendering them valueless, and have seen the destruction of spawning habitat for our fish destroyed by forest, grazing, agricultural and mining practices.

The Yakima Nation sees S.2055 as a vehicle to provide protection from further losses. The Yakima Nation is also concerned for the status of lands owned by the Tribe and/or individual tribal members and held in trust for them by the United States government, for fishery in-lieu sites and for Celilo Village. All of these lands enjoy their federal trusteeship, oversite or management, through the Department of Interior. Tribal and/or individual trust lands within the proposed National Scenic Area encompass nearly 6,000 acres. The Yakima Nation is concerned that the bill in its present status fails to provide for continuation of the status quo for these lands, and in fact changes administration of these lands from the Department of Interior to the Department of Agriculture, and in some cases appears to suggest that the non-federal, non-Indian Gorge Commission might in some way have jurisdiction over these lands. Accordingly, the Yakima Indian Nation requests that the bill be amended to clearly reflect that nothing is intended to change the status of these lands. Further the bill should be amended to include a definition of federal lands to closely reflect the status of these properties.

The Yakima Nation is further greatly concerned about continued development within the Gorge that affects the use and nature of usual and accustomed fishing sites. The number of these sites are finite and the competition for them among tribal members is becoming increasingly intense. Therefore, destruction of even a single site through development is of extreme concern to the Yakima Nation. The same situation is true regarding other sites of cultural, historical, and religious significance. Accordingly, the Yakima Indian Nation requests the bill be amended to provide language for tribal input and concurrence in decisions throughout the National Scenic Area which might affect such sites.

We exercise treaty secured rights to fish, hunt and gather roots and berries along the mainstem Columbia and the tributaries within the National Scenic Area. The Yakima Nation requests the bill to clearly reflect that nothing in the bill will affect or alter these rights, including the right of the Yakima Indian Nation to continue its self-regulatory fishery management at its usual and accustomed fishing places. Further, the Yakima Nation requests the bill be amended to protect the tributaries from further hydroelectric development within the National Scenic Area.

We are concerned that the bill grants jurisdiction for management over federal areas and lands to the Department of Agriculture, rather than to the Department of the Interior. The Yakima Nation has its trust relationship, and the consequent trust responsibility from, the United States of America through the Department of Interior. The Yakima Nation believes that the Department of the Interior, both through the Bureau of

Indian Affairs and the National Parks Service is better qualified and equipped to administer the National Scenic Area than is the Agriculture Department, through the Forest Service. Accordingly, the Yakima Nation suggests amendment of the bill to replace the Department of Agriculture with the Department of the Interior.

An additional concern of the Yakima Nation are the condemnation and land acquisition provisions of this bill. The Yakima Nation and its individual members are not agreeable to the condemnation and acquisition of trust lands within the National Scenic Area. This bill should be amended to exclude Indian tribal or individual trust lands from its condemnation provisions.

As the Yakima Nation, and other affected Indian tribes holding rights in the National Scenic Area, are best suited to provide input on the protection and preservation of rights reserved to the tribes and their members, the bill should be amended to require tribal input and inclusion in any management plan the means necessary to accomplish protection and preservation. Further, the bill should reflect that no local land use plan or federal management plan should be approved unless said plan specifically provides for preservation of treaty reserved rights of the affected Indian tribe. Some control in the affected tribe is necessary, just as the drafters of this bill have recognized the need for local control within the urban areas in making decisions within those places. The Yakima Nation does not wish to participate or interfere in the local planning process in areas where those processes have no effect on the local needs of the Yakima Indian Nation. Accordingly, the Yakima Indian Nation is not asking for a specific seat on the Columbia River Gorge Commission, but instead requests notices of actions to be taken by that commission and the county and city planning divisions so that the Yakima Nation may have its input in the event that a decision may affect treaty secured rights.

The Yakima Nation requests that the bill be amended to include the language for Section 17(a) provided with this testimony regarding treaty right protection.

The Yakima Nation further requests that this bill be amended to authorize the purchase and/or development of additional in-lieu fishing sites agreed to by the Corps of Engineers in the 1940's to replace lands lost due to the flooding of the Bonneville Dam Reservoir. These sites were promised as compensation for the loss of Indian fishing sites, home and camp sites, and sites of fish drying and processing facilities. To date far less than the number of promised sites have been developed. Forty years is long enough to wait.

It is important for the anadramous fishery that the tributaries of the Columbia Gorge be protected. These tributaries are important rearing grounds for key stocks of salmon and steelhead. If future development on the main stem of the Colombia River is limited as a result of this legislation, there will be pressure on the developers and timber companies to move off the main stem and into the tributaries and canyons just outside of the National Scenic Area.

In addition to overfishing in the ocean and the high mortality rate at the hydroelectric dams, one of the main reasons for the decline in anadramous fisheries has been resultant from destruction of fisheries habitat, both in areas where the fish have spawned as well as tributaries through which they have migrated on their way to spawn. One of the main activities that has led to the destruction of fishery habitat has been the development of roads close to the rivers and streams as well as logging close to the river banks. These two activities lead to the build up of sediment in streams which smothers incubating fish eggs, effectively killing thousands of potential smolts and doing severe damage to future natural production and the important genetic diversity that can only be obtained through naturally spawning or "wild" salmon. The sediment yield to streams is directly related to the density of logging roads. Excessive timber harvest has also resulted in changes in stream flow patterns and increases the likelihood of road failures.

The Gifford Pinchot National Forest has an active habitat enhancement program to provide additional fisheries habitat. Loss of habitat due to encroachment of developers will offset the gains that have been made in this area.

The Wind River is presently being managed for the natural production of steelhead and has had an increase in returning spring chinook, larger numbers of which are adapting to natural production. In 1980-1984, the average return of spring chinook was almost 3,000 fish. 1986 was the first time in many years that a tribal fishery took place in-river. There is a total of 51 lineal miles of potentially good spring chinook spawning and rearing habitat in the Wind River drainage basin with the further spawning potential in the Panther and Trout Creek tributaries of an additional 17.5 miles.

The Klickitat River also contains many miles of good habitat and historically had annual returning runs of over 5,000 spring chinook even after the main stem dams were built. Presently there are stocks of spring chinook, summer steelhead and coho in the Klickitat, some of which are natural spawning, others are released from the Klickitat hatchery. There is an Indian commercial fishery as well as an Indian subsistence fishery each year on the Klickitat. Most of the tributaries of the Klickitat are presently high in sediment load from glacial runoff and do not therefore contain much habitat used for production

We agree with the language presently in the bill listing the White Salmon River as Wild and Scenic.

We also feel that protection is necessary for the Sandy, Hood and Deschutes Rivers, but we shall defer to the Warm Springs tribal position on that and we assume that they and the CRITFC will provide the Committee specific information on those rivers.

The Committee should also consider protection for the Little White Salmon River which is averaging a return of over 2,000 fish per year and contains additional good habitat that we need to protect.

Protection from dam building, overlogging, overgrazing and poor mining practices must be afforded the tributaries in order to fulfill the intent of this bill.

A further concern is the development of windsurfing in the Gorge. While the Gorge is apparently an excellent spot for this sport, its growth creates very real problems for Indian fishermen. Windsurfers foul nets and present hazards to themselves and Indian fishermen during treaty fishing season. Proposed marina development for windsurfing will detrimentally affect treaty rights.

Time has been very short and it has not been possible to specifically state the nature and extent of each proposed amendment. Copies of those amendments will be provided for the public record and to the appropriate committee staff members for review. We ask that the record remain open to allow us to supplement the record on this most complex and complicated bill. Thank you for the opportunity to discuss this most important issue with you.

YAKIMA INDIAN NATION PROPOSED AMENDMENTS - Section 2(f)
Definition of "Federal Lands"

(f) Federal lands - Lands within the boundaries of the National Scenic Area owned by the federal government, Indian Tribes or held in trust by the federal government for an Indian tribe or individual member of an Indian tribe.

YAKIMA INDIAN NATION PROPOSED AMENDMENTS - Section 3

3(a) (18) That the Columbia Gorge is of great historical and present day importance and use to Indian Tribes. The rights of Indian Tribes and their members to continue all of their traditional uses, such as religious, fishery, hunting, gathering roots, berries and medicines, and all other traditional uses must be protected.

3(b) (14) To protect the reserved rights of Treaty Tribes and their members within the Columbia River Gorge.

YAKIMA INDIAN NATION PROPOSED AMENDMENTS - Section 6

See 6(a)(1) - Resource Inventory - at end of paragraph add the following:

"The commission shall consult with affected Indian tribes and shall incorporate the results of said consultation within the resource inventory."

6(b)(3) OPEN SPACES, SCENIC AND HISTORIC AREAS AND NATURAL RESOURCES.--(A) The management plan shall provide for conservation of open spaces, scenic, cultural, and historic areas, uses and natural resources, including: (i) fish, wildlife, and native plant habitat; (ii) ecologically and scientifically significant natural areas; (iii) outstanding scenic views and sites; (iv) water areas and wetlands; (v) cultural and historic areas, sites, structures, uses and objects; (vi) potential and existing recreation resources; and (vii) approved Federal wild and scenic waterways and state scenic waterways.

(B) The management plan shall designate lands suitable for the conservation of open spaces, scenic, cultural, and historic areas, sites, structures, objects, uses and natural resources.

6(b)(5) COMMERCIAL AND INDUSTRIAL DEVELOPMENT.--The management plan shall require new industrial development to take place in Urban Areas.

6(c) AGENCY CONSULTATION AND PUBLIC INVOLVEMENT.--The Secretary and the Commission shall consult with Federal, State, Tribal and local governmental entities having jurisdiction within the Scenic Area or expertise pertaining to its administration. The Secretary and the Commission shall conduct public hearings and solicit public comment during the preparation of and prior to final adoption of the management plan.

YAKIMA INDIAN NATION PROPOSED AMENDMENTS -Subsection 6(b) (4):

Delete the period and add the following after the word "section": "provided, that recreational activities in the Columbia River, particularly windsurfing, take place in a manner that will not be detrimental to Indians or their property used in treaty fishing practices. Efforts shall be made through consultation with the tribes to allow for such recreational activities at times and places where there are not Indian fishing nets in the river.

YAKIMA INDIAN NATION PROPOSED AMENDMENTS - Section 7

7(d) No local land use plan shall be approved unless the plan demonstrates that the local government has a planning staff with sufficient administrative and technical personnel and sufficient funding to enable the local government to regulate land use activities in accordance with the purposes of this Act and the management plan.

7(e) No local land use plan shall be approved unless the plan provides for actual notice of all land use action to be given to affected Indian tribes, and to allow said Indian tribes 60 days to comment on said proposed actions. Said plan shall further provide that no action shall be taken which, in the written opinion of said Indian tribes, will adversely affect a site of cultural, historical or religious use or importance.

7(f) No land use or management plan shall prohibit the United States government from acquiring and developing lands for the benefit of Indian tribes as fishing sites provided in-lieu of sites inundated by the construction of Bonneville Dam.

YAKIMA INDIAN NATION PROPOSED AMENDMENTS - Section 7

7(f) The Columbia Gorge Commission shall have no jurisdiction over federal lands as defined herein.

YAKIMA INDIAN NATION PROPOSED AMENDMENTS - Section 8

8(a) Amend section to provide for management by Secretary of Interior to manage in accord with laws governing national parks.

Amend as follows: The Secretary of Interior will administer Federal lands within the Special Management Area in accordance with Indian Treaty rights, laws..."

8(b) (3) Consistent with the provisions of Section 17(a) of this act.

YAKIMA INDIAN NATION PROPOSED AMENDMENTS - Section 9(d)
Condemnation

(d) ACQUISITION BY CONDEMNATION.--The Secretary may not acquire without the consent of the owner lands which, on the date of enactment of this Act, were used primarily for educational, religious, or charitable purposes, single-family residential purposes, farming, or grazing so long as the existing character of that use is not substantially changed or permitted for change. Further the Secretary may not acquire by condemnation any lands owned by an Indian tribe or held in trust by the United States government for an individual Indian or Indian tribe.

YAKIMA INDIAN NATION PROPOSED AMENDMENTS - New Subsection 9

9(d) Land Transfers- The Secretary is hereby authorized to transfer to the Army Corps of Engineers, from existing federal lands, four (4) additional fishing sites on the Columbia River that will be determined in consultation with the affected Indian tribes, to be used as in-lieu sites for tribal members exercising treaty fishing rights. These sites will be considered as compensation for traditional fishing grounds that were lost by the tribes pursuant to the inundation that took place by the creation of Bonneville Dam.

If sufficient acreage is not presently owned by the federal government along the Columbia River to allow for the designation of four tribal in-lieu fishing sites, the authorization contained in this Section and the appropriations authorized in Section 16(a) (1) of this Act shall be used for such purposes.

9(e) Indian Burial Sites and Lands of Religious or Cultural Importance- Pursuant to consultation with the affected tribes and the Gorge Commission, the Secretary shall transfer, from existing federal lands, all Indian grave sites and sites of religious or cultural practice by tribal members to the affected and/or responsible tribe(s).

If such lands as described in this subsection are not presently held by the federal government, the authorization contained in this Section and the appropriations authorized by Section 16(a) (1) shall be used for such purchases.

YAKIMA INDIAN NATION PROPOSED AMENDMENT - Section 6(a)(5)
Cultural Protection

(5) As part of the Management Plan, the Secretary of the Interior shall adopt a Cultural Management Plan for the Columbia River Gorge. The Cultural Management Plan shall:

(a) be developed in consultation and review with the tribal governments and traditional cultural authorities of the Yakima, Warm Springs, Umatilla, and Nez Perce, tribes, the Oregon and Washington State Historic Preservation Officers, and the Advisory Council on Historic Preservation:

(b) provide specifically for implementing the requirements of Sections 106 and 110(a), (b), and (d) of the National Historic Preservation Act (16 U.S.C. 470h-2(a), (b), and (d), and the American Indian Freedom of Religion Act (42 U.S.C. 1996); and

(c) ensure the preservation of properties having traditional, cultural and religious value to the Yakima, Warm Springs, Umatilla, and Nez Perce tribes, including their environmental settings, and provisions of access to such properties for practitioners of traditional tribal religions.

YAKIMA INDIAN NATION PROPOSED AMENDMENT - All sections
Department of Interior

1. Yakima Indian Nation proposes that throughout the Bill where the words "Department of Agriculture" appear, that those words be changed to "Department of Interior."

YAKIMA INDIAN NATION PROPOSED AMENDMENTS - Subsection 16(a) (1)

Replace the semicolon with a comma and insert after the number $35,000,000, the following: "provided, that five percent of the amount appropriated be put into a special reserve to be used to implement the language of Subsections 9(d) and 9(e) as necessary."

YAKIMA INDIAN NATION PROPOSED AMENDMENT - Section 17(a)
Treaty Disclaimer

Nothing in this legislation is intended to or shall be construed to amend, modify, alter or extinguish treaty or other legal rights of Indian tribes or their members, or the trust relationship existing between the United States of America and Indian tribes or tribal members with respect to Indian lands, resources or treaty-secured rights.

Senator **Hatfield**. Thank you, Mr. Olney.

Mr. **Olney**. Thank you.

Senator **Hatfield**. Now, who do you wish to have heard next?

STATEMENT OF NELSON WALLULATUM, CHIEF, WASCO TRIBE, MEMBER, TRIBAL COUNCIL OF THE CONFEDERATED TRIBES OF THE WARM SPRINGS RESERVATION OF OREGON

Mr. **Wallulatum**. Mr. Chairman and members of the committee, my name is Nelson Wallulatum. I am chief of the Wasco Tribe and a member of the Tribal Council of the Confederated Tribes of the Warm Springs Reservation of Oregon. The Warm Springs position on S. 2055 is set out in a detailed statement which I am submitting for the record. I would like, however, to very briefly summarize our position on this legislation.

I was delegated by the Warm Springs Tribal Council to travel 3,000 miles to testify at this hearing because of our strong legal, cultural, and spiritual ties to the Columbia Gorge. Put simply, we are from the Columbia Gorge. It was our home from the beginning of time until the signing of our June 25, 1855, treaty with the United States.

Although we agreed in the treaty to move to a reservation south of the river, the treaty recognizes the gorge as our original sovereign territory and secures for all time our original right to fish for salmon and steelhead, hunt for deer and elk, and gather roots and berries in the Columbia Gorge.

Our ties to the Columbia Gorge also include federally guaranteed property interests in usual and accustomed fishing sites, in-lieu fishing sites, Cellilo Village, and trust allotments.

The Warm Springs Tribe strongly supports protective legislation for the Columbia Gorge. However, we must be guaranteed that our legislation will not affect our rights nor extinguish our federally protected property interests in the Columbia Gorge.

We believe that the section 17(a) savings clause is inadequate as now written and must be strengthened to give us this guarantee. Coupled with this guarantee should be a designation of the Secretary of the Interior, rather than the Secretary of Agriculture, as the Federal official charged with administering the Columbia Gorge National Scenic Area.

Our treaty rights and property interests in the Columbia Gorge have always been under the supervision of the Secretary of the Interior. This legislation should not and does not change that.

Since Interior's responsibility for Indian rights and land in the Columbia Gorge will continue under this legislation and in view of Interior's long experience in managing the Nation's unique natural and scenic wonders, of which the Columbia Gorge is one of the greatest, it seems clear to us that the Secretary of Interior is the appropriate Federal official to administer the Columbia Gorge National Scenic Area.

Finally, we would hope the legislation will be strengthened with additional language on the issue of tributary protection and cultural resource protection. Our proposal on these matters will be discussed with your staff.

In summary, as the original residents of the Columbia Gorge, we strongly support gorge protection legislation, S. 2055. It is the right approach and, with the few changes we have proposed, we can wholeheartedly support its passage.

Thank you.

[The prepared statement of Mr. Wallulatum follows:]

THE CONFEDERATED TRIBES OF THE WARM SPRINGS RESERVATION OF OREGON

P.O. Box C, Warm Springs, Oregon 97761/503 553-1161

TESTIMONY OF THE CONFEDERATED TRIBES OF THE WARM SPRINGS RESERVATION OF OREGON BEFORE THE UNITED STATES SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES CONCERNING S.2055, THE COLUMBIA GORGE NATIONAL SCENIC AREA ACT

Washington, D.C.

June 17, 1986

Mr. Chairman and Members of the Committee:

My name is Nelson Wallulatum. I am Chief of the Wasco Tribe and a member of the Tribal Council of The Confederated Tribes of the Warm Springs Reservation of Oregon. I am speaking to you today on behalf of the tribe concerning S.2055, the Columbia Gorge National Scenic Area Act.

There are three reasons why the Warm Springs tribe is vitally interested in this legislation. First, much of the area within the proposed Columbia Gorge National Scenic Area was once our sovereign domain. The Wasco and Warm Springs people now living on the Warm Springs Reservation originally came from the Columbia River. Our ancestors lived along the south shore of the river throughout the length of the proposed Columbia Gorge National Scenic Area. Virtually the entire Oregon portion of the proposed Scenic Area is within our original sovereign territory as defined in our June 25, 1855, treaty with the United States. Indeed, this treaty, which has guaranteed our separate existence as an independent, sovereign people for more than one hundred thirty years, was negotiated and signed within the proposed Columbia Gorge National Scenic Area, at The Dalles, Oregon. We naturally have a strong interest, legally, culturally and spiritually, in this federal legislation to protect the area which gave birth to our people a millennium ago.

A second reason for our interest in the Gorge bill is because of the rights we reserved in our 1855 treaty to continue to fish and hunt on our ancestral lands in the Columbia Gorge. From time immemorial until the 1855 treaty, and for more than one hundred thirty years since the treaty, our people have fished for salmon and steelhead, hunted for deer and elk, and gathered roots and berries in the Columbia Gorge. Most of the Columbia River within the boundaries of the proposed Scenic Area is an exclusive treaty Indian fishery. In the river above Bonneville Dam, Warm Springs fishermen, as well as fishermen from the Yakima, Nez Perce and Umatilla tribes, conduct ceremonial, subsistence and commercial fisheries. Warm Springs fishermen also exercise subsistence fishing rights in the important Oregon tributaries within the proposed Scenic Area: the Hood River, Deschutes River, and Fifteenmile Creek. As a result, we are keenly interested in this legislation to protect the area where we exercise these all-important, treaty-secured rights.

A third reason for our interest in S.2055 is that the proposed Scenic Area encompasses certain Indian lands which are very important to our people. These Indian lands fall into three categories: in lieu sites, Celilo Village, and trust allotments.

In lieu sites are five, small pieces of land along both shores of the Columbia River between the Bridge of the Gods and

The Dalles Dam. These sites were purchased for the tribes at the direction of Congress to partially offset the loss of traditional Indian fishing sites inundated by the backwaters of Bonneville Dam. The in lieu site lands are owned by the Army Corps of Engineers and administered by the Bureau of Indian Affairs.

Celilo Village, located along Interstate 84 where the most famous Indian fishery in North America was inundated by the backwaters of The Dalles Dam, is on land held in trust by the Secretary of Interior for the benefit of the Columbia River treaty tribes and their members. The Celilo property is administered by the Bureau of Indian Affairs.

The trust allotments owned by the Warm Springs tribe and tribal members total about seven hundred acres and are located in three separate areas: just east of Hood River, up on the bluff between The Dalles and Celilo Village, and at the mouth of the Deschutes River. These lands are owned by the United States and held in trust for the tribe and individual tribal members who are the beneficial owners. The Bureau of Indian Affairs administers trust allotments.

These Indian lands in the Columbia Gorge, like all federally owned Indian lands in the United States, have traditionally been free from state and local control. As federal land administered by the United States for the benefit of the tribe and its members, this property cannot be taxed or otherwise regulated by state and local governments.

In order for the Warm Springs tribe to support this legislation, we must be assured that the historic independence of Indian lands from state and local control, which is the hallmark of federal Indian policy in this country, is preserved in this legislation. We believe that the current wording of the Section 17(a) savings clause is a good start, but it does not specifically mention Indian lands or the federal government's trust responsibility to the tribes and tribal members. Accordingly, we have proposed additional language to be added to the Section 17(a) savings clause that we believe will unambiguously preserve the current status of Indian lands in the Columbia Gorge and the Bureau of Indian Affairs' role as the overseer of these lands. We have provided the Committee staff with a copy of our proposed Section 17(a) language.

In addition to the Section 17(a) savings clause, we believe there are two other areas where the bill needs changes. First, we are convinced that the Secretary of Interior, rather than the Secretary of Agriculture, should take the lead in administering the proposed Columbia Gorge National Scenic Area. In addition to all of the other arguments you have heard and will continue to hear for putting Interior rather than Agriculture in charge of the Gorge, we believe that the Indian tribes' strong legal rights and property interests in the Gorge require that Interior take the lead. As you know, the Secretary of Interior is the federal official charged with carrying out the federal government's trust responsibility with respect to Indian tribes and Indian people.

Interior administers the Indian lands in the Gorge and insures protection of treaty fishing and hunting rights. Interior's role as the protector of Indian rights and lands is not affected by this legislation. Thus, even though most federal lands in the Gorge will be under Agriculture's control, some Gorge lands, namely the Indian land, will always be under Interior's control. It would certainly be more efficient, and would make the tribes feel much more comfortable, to have the Secretary of Interior in overall charge of the Columbia Gorge National Scenic Area.

A final area of the bill that needs improvement is the question of tributary protection. As I mentioned, Hood River, Fifteenmile Creek, and Deschutes River are all Columbia Gorge tributaries located within our original sovereign territory in which our tribal members exercise treaty fishing rights. We oppose any developments along these tributaries, including hydroelectric projects, that would threaten the salmon and steelhead resource of these streams. Accordingly, we believe that the tributary protection language in S.2055 needs to be strengthened considerably to insure adequate protection for the salmon and steelhead runs originating in these important Columbia Gorge tributaries.

In sum, the Warm Springs tribe applauds this legislation. Protection of the Columbia Gorge through national legislation is long overdue. We believe that this bill takes the correct approach, and with the few changes that I have discussed in my testimony, the Warm Springs tribe can wholeheartedly support its passage.

Thank you very much.

The Warm Springs Tribe proposes the following change in the Section 17(a) savings clause of S.2055, the Columbia Gorge National Scenic Area Act:

> Nothing in this Act shall be construed to affect ~~or~~, modify, or extinguish any treaty or other rights of any Indian tribe or the trust obligation owed by the United States to any Indian tribe or tribal member with respect to Indian lands, resources or treaty-secured rights.

Senator HATFIELD. Thank you. Thank you very much for your testimony this morning, gentlemen. It has been very helpful.

Senator Evans.

Senator EVANS. I just have a clarification. First, I appreciate the testimony of both, gentlemen because in the testimony they have specifically included specific legislative language as modifications to S. 2055. That will be very helpful to us.

And looking at this proposed modification, I understand, Mr. Olney, that on page 7 of your testimony you are saying that the Yakima Indian Nation is not asking for a specific seat on the Columbia Gorge Commission, but instead requests notices of action to be taken by that commission and the county and city planning divisions, so that the Yakima Nation may have its input in the event that a decision may affect treaty-secured rights.

And that is the fundamental nature of your testimony, other than the fact that you want to make sure there is specific language in there on treaty rights, that your interests are wherever the tribal interests begin to coincide with actions taken by the commission. You just want to be notified and be a participant in those actions, is that essentially correct?

Mr. OLNEY. Yes, sir, Senator. That is the intent.

Mr. WEAVER. Senator Evans, we proposed a specific amendment, attached to our testimony, on that subject.

Senator EVANS. Good.

Just one more observation, rather than anything else. I think it is an accurate observation on the tributaries, where you point out if future development on the main stem of the Columbia River is limited as a result of this legislation, there will be pressure on developers and timber companies to move off the main stem and into the tributaries and canyons just outside the national scenic area.

And I presume that you are concerned then about examining those rivers and tributaries and seeing what protection might be necessary for them.

Mr. OLNEY. Yes, sir.

Senator MURKOWSKI. I wonder, Mr. Chairman, if I could just make a comment.

Senator HATFIELD. The Senator from Alaska.

Senator MURKOWSKI. Thank you, Mr. Chairman.

I cannot help but note the subject of inholders' rights that I notice has come up a good deal. My only comment is that sometimes misery loves company. As you know, we have had a good deal of concern ongoing in Alaska over inholding rights, and I am glad that my colleagues continue to be exposed to it other than from our State of Alaska.

Thank you, Mr. Chairman.

Senator HATFIELD. Thank you for your observation.

Thank you very much, gentlemen.

Now we will invite the next panel to take their seats.

Senator EVANS [presiding]. As panel eight gets ready, would panel nine take their seats in the first row: Ms. Linda Lethlean, Ms. Wilma Cornwall, Mr. William Benson, Mr. Ed Callahan, Mr. Bob Leick, Mr. Al McKee, and Mr. Russell Grattan.

Dave Cannard.

STATEMENT OF DAVID L. CANNARD, ON BEHALF OF THE CLARK COUNTY BUSINESS ROUNDTABLE

Mr. **Cannard**. Thank you, Senator.

I am Dave Cannard from Vancouver, WA, representing the Business Roundtable of Clark County. I believe you have spoken to our membership in the past, Senator.

We are a 12-year-old organization consisting of approximately 100 business leaders in southwest Washington. The Business Roundtable wants to have legislation. They want to have strong, fair legislation, and they would like to have it now.

We ask that any legislation which is passed contain strong, unambiguous standards with uniform, mandated enforcement by the commission of commission-managed lands throughout the NSA. And additionally, we want to see the U.S. Forest Service have more than an advisory role because of their experience in the gorge and elsewhere.

The reason for that is the cloud of uncertainty that hangs throughout the gorge and has for the last 6 years. The pressures for growth and incremental residential development are strongest nearest our county, which is Clark County, and extend eastward.

The Book of America by the National Journal stated discouragingly: "In the case of Clark County, where the new electronics manufacturing industry has fueled growth, the sprawl threatens to urbanize the magnificent Columbia River Gorge."

The Washington-Oregon Gorge Commission in a 1983 parcelization study pointed out that in the 10,500 acres studied, which is primarily in western Skamania County, urban sprawl was encouraged by lack of land use and platting controls, land divisions have occurred in a leapfrog, haphazard manner, affecting nearly one-third of the area.

I might point out that the reason for our concern is listed as a partial listing of major threats: Rim View Estates, a 16-lot subdivision; Columbia Gorge Riverfront Estates, a 24-lot subdivision; Hidden Harbor Subdivision, an 83-lot riverfront subdivision; Burdoin Mountain, a contiguous short plat subdivision; Wells Island interpretive center; the Wyeth hydroelectric project; port of entry in the State of Oregon.

All have something in common, and that is widespread public opposition and/or litigation, which puts a cloud over the entire area. That activity will continue unless we have strong, fair legislation that is passed, so that certainty replaces uncertainty.

Local management of the Columbia Gorge's nationally significant lands and waters is leading to the gradual but unmistakable erosion of this magnificent area that is a travesty against the people and against the area. The most pervasive threat to the Columbia Gorge is incremental residential development.

The benefits to the business community and to the community at large are threefold: First would be the quality of life now and in the future.

Second would be the tremendous impact of the tourism industry, as envisioned in studies that have been produced and will be presented later today.

And third, and most important to the business community is the hiatus of confusion which exists throughout the gorge today. The business community responds by going elsewhere. They simply do not respond—because there are other investment opportunities that are available, and they pursue them.

We particularly appreciate the identification in the legislation of areas where concentrated commercial activity can occur and where it would be inappropriate to have commercial activity. We appreciate the development commission.

And lastly, we would particularly like to thank you, Senator Evans, for what you have done to bring together the four Senators from the Northwest to develop strong, fair legislation for the benefit of the citizens today and tomorrow.

Thank you.

[The prepared statement of Mr. Cannard follows:]

TESTIMONY ON
S 2055
TO ESTABLISH
THE COLUMBIA GORGE NATIONAL SCENIC AREA
AND FOR OTHER PURPOSES

BEFORE:

THE SUBCOMMITTEE ON

PUBLIC RESERVE WATER AND RESOURCE CONSERVATION COMMITTEE

ROOM SD 364

9:30 a.m.

JUNE 17, 1986

BY:

DAVID L. CANNARD

FOR

THE CLARK COUNTY BUSINESS ROUNDTABLE

500 WEST EIGHTH STREET

VANCOUVER, WASHINGTON 98660

Threats to the Nationally Significant Columbia River Gorge And Its Impact Upon the Business Community

I am David L. Cannard of Vancouver, Washington, and I represent the Clark County Business Roundtable.

On behalf of the Business Roundtable, I want to particularly thank Senator Evans for developing legislation which has been co-sponsored by Senators Hatfield and Packwood of Oregon, and Senator Gorton of Washington. His efforts and concern are very much appreciated by our membership.

The Clark County Business Roundtable is a 12-year-old organization consisting of approximately 100 members which comprise the business leadership in Southwest Washington. Its primary concerns revolve around the relationship between the business community and the various governmental agencies. Our concerns rest with being able to maintain a very livable community and at the same time have a very positive climate within which the business community can operate. We naturally would be very concerned with an attitude in government of "no-growth". We are equally concerned with an attitude on the part of governmental agencies which is "laissez-faire" as concerns the business community. Such an attitude can result in a very negative impact on the quality of life and ultimately backfire on the business community. Finding that middle ground between the quality of life and a favorable climate within which the business community operates is what we're all about.

In that context we have a real interest in the Columbia River Gorge National Scenic Area and management plans being considered by Congress at this time. Our testimony is separated into three segments:

1. Threats to the Gorge and the uncertainty it creates.
2. Legislative solution to these threats.
3. The benefit the solution has for the business community and the community as a whole.

Threats to the Columbia Gorge And the Uncertainty Which It Creates

The greatest single threat to the Columbia Gorge is the residential development which is slowly expanding east from the Portland/Vancouver metropolis. This incremental expansion has been greatly spurred by the tremendous growth of Clark County - a 49.6% population increase in the decade from 1970-1980, most of it occurring outside the major city of Vancouver - and by the completion in 1983 of the I-205 bridge which links east Portland with eastern Clark County and western Skamania County. The *Book of America*, by *National Journal* contributing editors Neal Pierce and Jerry Hagstrom, was discouragingly accurate when it stated:

> "In the case of Clark County, where the new electronics manufacturing industry has fueled growth, the sprawl threatens to urbanize the magnificent Columbia River Gorge."

I. Residential development.

The pressures from this growth is most apparent in unzoned Skamania County, which contains more Gorge acreage than any other county. The Skamania County commissioners have steadfastly ignored state-wide land use laws such as the State Environmental Policy Act (SEPA) and the Shorelines Management Act (SMA) and have unlawfully granted development permits to large subdivisions on particularly valuable Gorge lands. The market for these subdivisions is apparently the summer home market for Portland/Vancouver residents: Skamania County presently has approximately a 20% vacancy rate for housing.

The Oregon and Washington State Gorge Commissions have completed two major studies of land use patterns in selected areas on the Washington side of the Gorge. These studies have found disturbing trends with respect to land parcellization in western Skamania County (perhaps the most vulnerable area of the Gorge), and land platting and building activity in Skamania and Klickitat counties. The Commissions' February 2, 1983, parcellization report concluded that, within the 10,504-acre study area in western Skamania County:

> "Encouraged by lax land use and platting controls, *land divisions have occurred in a leapfrog, haphazard manner*, affecting nearly one-third of the land within the study boundary." (Emphasis added.)

The Commissions' February, 1985, report focused on land platting and building activity within Skamania and Klickitat Counties from 1980 to 1984. This report concluded that these counties' rural lands in the Gorge were being converted to medium density residential lands, even though Skamania County's population had remained static for the five year period. The statistics assembled by the Commissions' staff presented a bleak future for this area of the Columbia Gorge:

> "During the past five years in the unincorporated areas of Skamania and Klickitat Counties over 890 acres have been subdivided into 232 lots averaging 3.8 acres in size. During this same period over 246 new dwelling units have been added to the same unincorporated area... Significant acreages within the Gorge are incrementally being converted from undeveloped rural lands to medium density residential lands." (Emphasis added.)

While the violations of land use laws and approval of residential permits is most glaring in Skamania County, by no means is Skamania County the only Gorge county which is approving development on nationally significant lands, nor is the development limited to residential. Commercial and industrial development, hydroelectric projects, surface mining, and poorly planned timber clear-cutting have all contributed to an erosion of the Columbia Gorge's unique values and resources. This erosion, moreover, has been documented in every single Gorge county.

II. Partial listing of major threats.

The following is a partial list of some of the most damaging proposals and actions recently undertaken or pending in the Columbia Gorge.

1. Rim View Estates: a 16-lot subdivision approved by the Skamania County Commissioners in 1981. Composed of 4 contiguous short plats, Rim View Estates is located on top of Cape Horn, probably the most important vantage point in the western Gorge. Although the legality of this subdivision was unchallenged, a similar subidivison--Columbia Gorge Riverfront Estates--was challenged and the method of using contiguous short plats to create a subdivision was held illegal.

2. Columbia Gorge Riverfront Estates: initially a 24-lot riverfront subdivision located directly across from Multnomah Falls, one of the Northwest's premier tourist attractions, which draws over two million visitors annually. Skamania County's approval of the subdivision was overturned in a lawsuit filed by Friends of the Columbia Gorge's members. A subsequent proposal in May, 1983, for 21 lots was also approved by the County, but the property was subsequently purchased by the Trust for Public Land.

3. Hidden Harbor Subdivision: an 83-lot riverfront subdivision with proposed deepwater marina located on wetlands down-river from Beacon Rock State Park and across from Oregon's Horsetail Falls. Skamania County's approval of this July, 1984, proposal was reversed in a lawsuit filed by Friends of the Columbia Gorge before the Shorelines Hearings Board.

4. Burdoin Mountain short plats: six short plats on one of the most scenic mountains in the eastern Gorge, approved by the Klickitat County Commissioners despite the objection by the County Planner that the plats did not meet state requirements. A lawsuit by the Columbia Gorge Coalition is now pending.

5. Iman Subdivision: a pending December, 1985, proposal for a 20-lot subdivision located on the undeveloped bluffs of the Gorge west of Wishram Heights, overlooking the Columbia River in Klickitat County.

6. Wells Island conference and interpretive centers: a proposal for a conference center, interpretive buildings, and a docking facility on tiny Wells Island, home to the eighth largest Great Blue Heron rookery and third largest Canada Goose nesting site on the three hundred miles of Columbia River from the Pacific Ocean to McNary Dam. A lawsuit, filed by Friends of the Columbia Gorge, the Oregon Gorge Commission, 1000 Friends of Oregon, and the Portland Audubon Society to overturn approval of the proposal by Hood River County and Oregon's Land Conservation and Development Commission, is currently pending.

7. Wyeth Hydroelectric Project: a December, 1985, proposal for the $6.8 million hydroelectric project which threatens one of the Gorge's most spectacular waterfalls, one hundred-foot Gorton Creek Falls, is pending before the Federal Energy Regulatory Commission.

8. Merritt Subdivision: an October, 1984, proposal for a 12-lot subdivision high on the Gorge's bluffs in Multnomah County: each lot would be smaller than the County's minimum lot size. The proponent has apparently withdrawn this proposal.

9. Port of Entry: a $2.1 million commercial trucking facility proposed in June, 1984, by the State of Oregon for extremely significant scenic areas at Wyeth, Oregon, and later, adjacent to Lewis and Clark State Park; later moved - under considerable public pressure - to within the Cascade Locks urban growth boundary.

10. Sand Dunes destruction: 1983 destruction by the State of Oregon of fifty acres of sand dunes east of The Dalles. The sand dunes were covered by 25,000 yards of crushed rock and 23,000 pounds of fertilizer for road maintenance purposes, despite their unique scenic importance, which was emphasized by the dunes' identification as "sensitive lands" in the April, 1980, National Park Service Study, The Columbia Gorge.

11. Port of Camas/Washougal industrial park: an April, 1983, attempt to expand the Port's industrial park into 346 acres of the 1180-acre Steigerwald Lake wetland - one of the most important natural areas in the entire Gorge - prevented by last minute federal acquisition of the wetland.

12. Beacon Rock transfer: a March, 1984, attempt by the State of Washington to transfer, for future sale, 40 acres of Beacon Rock State Park; defeated by widespread public opposition.

13. Ruthton Park sale: a December, 1983, attempt by Oregon State to sell scenic Ruthton Park near Hood River, also defeated by widespread public pressure.

14. Home Valley conversion: a December, 1985, decision by Skamania County to amend its comprehensive plan and reclassify 1200 acres of undeveloped open space and timberland as suitable and necessary for a wide range of land uses including heavy industrial, commercial, and high-density single and multifamily residential. This reclassification tripled Home Valley's "rural 1" area, and was an attempt, according to the Washington State Gorge Commission, to "inappropriately . . . manipulate land use processes to circumvent anticipated provisions in Gorge legislation."

15. Archer Mountain restaurant/airstrip: a January, 1986, proposal to build an 1800-foot private airstrip and restaurant on Skamania County's Archer Mountain, an important scenic area.

III. Conclusion.

Local management of Columbia Gorge's nationally significant lands and waters is leading to the gradual but unmistakable erosion of this magnificent area. Local zoning, when it exists, is not protecting the Gorge. Existing land use regulations are frequently ignored by county commissions: their approval of large-scale subdivisions on critical lands has been rejected when challenged by concerned citizens.

The most pervasive threat to the Columbia Gorge is incremental residential expansion, which is slowly spreading eastward from the Portland/Vancouver metropolis. This pressure is not abating, and will only increase as the regional economy grows stronger. New subdivisions, inappropriate clearcutting, and damaging hydroelectric projects on lands and water of great national significance will also continue until a single comprehensive management plan for the Gorge's six counties, two states and over 50 different political jurisdictions is enacted.

Legislative Solution to these Threats

The uncertainty created by uneven handling of land use matters involving nationally significant lands leads to misunderstanding, wasted time and resources by the business community, and often litigation. The problem disipates the economic viability of the area. The business community simply avoids the problem by avoiding the area for investment.

The Business Round Table wants to have legislation which not only protects and preserves this priceless heritage for all time and for all people, but which at the same time encourages economic growth in appropriate areas. Therefore, we ask that any legislation which is passed contain strong, unambiguous standards with uniform mandated enforcement by the commission of commission-managed lands throughout the National Scenic Area. Additionally, we want to see the U. S. Forest Service, with their experience throughout the Gorge and elsewhere, have more than an advisory role in the development of a comprehensive management plan for commissioned-managed lands.

Benefits to the Business Community and to the Community-At-Large

The benefit to our community with the passage of National Scenic Area legislation is manifold. First would be the quality of life of having such a priceless resource near-at-hand permanently protected for use by our citizens, whether local regional, or national, would be truly outstanding.

Second, is the impact that a strong National Scenic Area presence would have on the business community. Two years ago, Mr. Robert Giersdorf spoke to our organization as the President of the Travel Industry Association of America, the umbrella organization for the National Hotel Association, the National Restaurant Association, and 31 other national travel industry organizations. A copy of his follow-up remarks are included. He urged passage of strong protective legislation and pointed out the positive economic impact it would have upon the region. He runs one of his tour boats the length of the navigable portion of the Columbia River during the summer time, manages Glacier Bay National Park Lodge, in addition to other tour boats and recreation areas. He knows whereof he speaks.

Additionally, with passage of National Scenic Area legislation, the hiatus of confusion which exists throughout the proposed National Scenic Area will be replaced with certainty. With certainty, the business community can respond positively, knowing they can rely upon consistency throughout the entire area in which they conduct their commercial activities.

The Business Round Table appreciates the Economic Development Corporation as envisioned in pending legislation as vital to the economic activity throughout the area. We commend our legislators for their vision in this regard.

We particularly appreciate the identification in the legislation of areas where concentrated commercial activity can occur, as well as identification of those areas in which activity would be inappropriate.

I would like to thank Senator Evans and Senator Hatfield, Senator Gorton and Senator Packwood for the magnificent job they've accomplished in bringing forth a unified bill and moving forward through the legislative process. I urge them to join forces with Congressmen Bonker, Dicks, Swift, and Miller of Washington, and Congressman AuCoin of Oregon, in addition to Congressmen Weaver of Oregon and Lowry of Washington in coming forth with strong, fair legislation for the benefit of future generations as well as for our current citizens.

EXPLORATION
HOLIDAYS AND CRUISES
[illegible] METROPOLITAN PARK BLDG. OLIVE WAY AT BOREN AVE
SEATTLE WASHINGTON [illegible] (206) 625-9600 TELEX [illegible]

July 16, 1984

Mr. David L. Cannard
C.L.U. & ASSOCIATES, LTD.
113 West Third Street
Vancouver, WA 98660

Dear Dave:

The question you posed as suggested by John Priel, Mayor Bryce Seidl, Jim Fowler and others was: What is the single most significant step the business community could take to capitalize on the Tourist industry, and in the process tap the potential of the 1986 Vancouver, B.C. World's Fiar, and its 15-30 million visitors?

What follows is my response. You will recall when I spoke to the Business Roundtable in Vancouver, Washington, July 5, 1984, I spoke of the five "A's" of the Tourist industry. The five "A's" are: Access, Accommodation, Attitude, Attractiveness and Advertising. You have the first four items going for you now. Advertising (Awareness) is where the need exists. There is a difference between awareness and promotion. Everyone who is a candidate for attending the 1986 Vancouver, B.C. World's Fair is aware of two pieces of information:

1. aware of Vancouver, B.C. and its location;
2. aware of what a "World's Fair" implies.

With that awareness in existance, the Tourist industry in addition to Vancouver, British Columbia, the Province of British Columbia and the Canadian Government are now promoting tours and visits to Vancouver, B.C. in 1986.

In that process, practically every tourist contemplating a trip to Vancouver, B.C. will ponder the map to determine what else there is to see. The map will focus their interest, and what they will see in addition to cities and highways will be significant natural features, that by their stature are identified and stand out on every single map printed. To the south of Vancouver, B.C. these include the North Cascades Wilderness Area, Olympic National Park, Mt. Rainier National Park, the newly formed Mt. St. Helens National Monument, Hells Canyon

National Recreation Area and Crater Lake National Park to name a few. These areas and others are the competition for Vancouver and the communities of Southwest Washington. The map brings awareness to the consciousness of the people. Then, for instance, the interested party contacts Mt. Rainier National Park for information concerning the area including what to do, where to stay, where to eat, and all the other services needed including tours, rental cars, camping and trailering facilities, etc.. On the other hand, promotion alone is very expensive. The key is to get people to write for information about your area.

The single most significant step the business community could take to capitalize upon the Tourist Industry, and the millions of visitors who will attend the World's Fair, is to get the Columbia River Gorge National Scenic Area legislation passed at the earliest possible moment. My sense is the legislation will pass. There are 44 senators as co-sponsors at the present time. However, if it doesn't pass for another year or so, you will have missed the opportunity to bring the Columbia River Gorge and the adjoining area to the attention (awareness) of 30 million or more people who will be pouring over maps in 1985 and 1986. The fallout in succeeding years will be simply tremendous.

I understand there are at least five organizations that have a vested interest in the Tourist Industry:

1. the Business Roundtable;
2. the Tourist Regional Information Program (TRIP);
3. the Greater Vancouver Chamber of Commerce;
4. the Clark County Economic Development Council;
5. the Camas-Washougal Business Roundtable.

All five of these organizations should take strong positions in favor of S627. But that isn't enough. I understand that the City of Vancouver has already passed a resolution calling for the Federal Government to declare the Gorge a Scenic Area and to develop a partnership of local, state and national interest for the management of same under the guidance of the local Forest Service. The above organizations should strongly urge the Clark County Commissioners to take an active role. Additionally, the other communities should be urged to do likewise. Then the five organizations, the Clark County Commissioners, City of Vancouver, including their Economic Development office, and the other communities should become very strong advocates for the passage of National Scenic Area legislation. They should do everything possible to urge Senator Dan Evans, Senator Slade Gorton, Representative Don Bonker and Representative Sid Morrison to get this legislation passed at the earliest possible moment. Millions of dollars of free AWARENESS advertising is available to Southwest Washington if this legislation is passed soon, so that the map makers can get it printed on the new maps and distributed throughout the entire world. You simply must not let this opportunity slip through your grasp!

In my talk I spoke of the need of the infrastructure to support the Tourist industry. You have much of the infrastructure in place. However, people do not come to visit water and sewer systems. I noticed the Columbian speaks of all the hiking potential in the Gorge. Yet, on the Washington side of the Gorge, there are only 8 miles of publically owned and maintained hiking trails. There are over 200 miles on the Oregon side. There are only four State parks and only two or three places to launch a boat on the Washington side of the river within the Gorge. There are 23 parks on the Oregon side, including numerous boat launching facilities. Except for the magnificent views from Cape Horn and the top of Beacon Rock, the public is not in touch with the river on the Washington side in the western end of the Gorge. In contrast, they have endless contact along the entire length of the Columbia River Gorge on the Oregon side.

The only feasible way to rectify that situation is through passage of S627. Then over the years, when people decide to sell their land, it can be acquired by the local Forest Service for the above purposes. Public access to the river can be developed. Boat launching facilities can be provided. A network of trails linking newly formed parks along the Washington side of the river would be accomplished. But overall will be the establishment of interpretive centers, such as is being developed for Mt. St. Helens National Monument. An interpretive center is not simply a visitor's information center. It is much more. This is beyond the ability of the local tourist groups, or even the local government or county government to establish or maintain. Yet, it is the interpretive centers that are so important in providing information to the tourist which allow them to remain in the area. Tourists are already passing through your area by the millions, and there is no system to slow them down. This is crucial. Coupled with the interpretive centers would be the signing by the local Forest Service, which is recognized by all as denoting important places of interest.

As these facilities develop, the tourist industry will respond with hotels, motels, restaurants, car rentals, boat rentals, sightseeing tours, boat tours, backpacking trips, windsurfing facilities, and the list goes on and on. In the process of the expanded infrastructure coming about with passage of S627, the construction industry, the bakeries, the groceries, the CPA's, the attorney's, insurance firms and every other branch of business and commerce will respond. Then the revenues to local, state and federal governments will build and expand. However, you will not have to provide schools, police force, hospitals, etc. for a greatly expanded group of citizens. Tourists go home and provide their own facilities with their own taxes. All they leave behind is money.

When I mentioned the absence of river access within the Gorge, I'm including the severe limitations we face on our own cruise vessels. The only facility within the Gorge on either side of the river that allow us to moor and load or discharge our passengers to participate in the activities within the area, including the spending of their money, is the antiquidated dock at The Dalles. I'm certain that with the passage of S627, access would follow as the communities within the Gorge address the needs of the rapidly expanding tourist industry.

Passage of the National Scenic Area Legislation (S627) should occur in 1984 to make the presses that print the maps. It should occur in the earliest portion of 1985, at the very latest, to capitalize on the Vancouver, B.C. World's Fair. It is up to the business community to make it happen. They are the economic winners in this effort. Those who have conceived, promoted and supported the National Scenic Area designation, for the most part, are concerned with the pristine beauties of the area. But the business community of Southwest Washington is the group that stands to gain the most economically from this effort.

Other industries such as the high tech industry, manufacturing industries, etc., may wonder how this affects them. In the first place, it tends to reduce the demand for taxes upon those industries. Additionally, the growth and expansion of Southwest Washington as a community will be enhanced, because those industries as well as the construction industry, banking industry and others will come to recognize that people move into an area not to live next to a plant or an industry site, but are attracted by the livability. People who are concerned about the livability and quality of life tend to be superior employees. And for industry to have at their doorstep the National Scenic Area for their employees to use as their recreation area, is a tremendously strong drawing card when they go out to find the employee they want for their firm.

Thank you for the opportunity to respond, and know how excited we are to be a part of the commercial community along the Columbia River.

Sincerely,

EXPLORATION HOLIDAYS AND CRUISES

Bob Giersdorf

ROBERT GIERSDORF
President

RG/dmm/0149E

Senator EVANS. Thank you, Dave.

Ms. Jean Grattet.

STATEMENT OF JEAN GRATTET ON BEHALF OF BRYCE SEIDL, MAYOR, VANCOUVER, WA

Ms. GRATTET. I am Jean Grattet, representing Mayor Bryce Seidl of Vancouver, WA who is unable to be in attendance today and asked that I represent him and the city council.

Vancouver, as the largest Washington city on the Columbia River and the gateway to the gorge, has a very large stake in future gorge management. We want to thank the Senators from the Northwest for their diligence in working to bring forth legislation to protect the Columbia River Gorge.

Time is so critical. Every day sees incremental losses, as more of the scenic grandeur of the gorge disappears. In December 1982, the Vancouver City Council, after the largest hearing on any subject ever conducted, took a position favoring strong Federal legislation to protect the unique national treasure located at our doorstep known as the Columbia River Gorge.

Our testimony before the Honorable Senator Dan Evans in November 1984 reaffirmed our support for strong legislation. I am enclosing that testimony because of the elements the city council feels are so crucial to good governance of the area.

We are aware of the provisions of S. 2055. Although S. 2055 utilizes a tier approach to management of the Columbia River Gorge, including a regional commission, in the spirit of cooperation we are willing to compromise and support such an approach as long as certain strengthening amendments are included in S. 2055.

The strengthening amendments we support have been incorporated in H.R. 4221 and introduced in the House of Representatives by Congressmen Bonker, Dicks, Swift, and Miller of Washington and Congressman AuCoin of Oregon. We urge you to incorporate those amendments into the Senate bill in the interest of fairness and good governance.

The three most important amendments which simply must be in the Senate legislation are:

One, mandatory enforcement by the commission of county activities pursuant to this act, not discretionary as presently provided in S. 2055.

Strong and unambiguous standards by which the commission can be judged, rather than the present language within S. 2055. I refer you to H.R. 4221 for those differences.

Third, a nine vote override requirement by the Commission to assure that the U.S. Forest Service input is more than advisory.

Protective legislation for the Columbia River Gorge will benefit the citizens of our area by ensuring that the scenic grandeur is not lost, replaces uncertainty with certainty for those who want to develop business and tourist facilities, promote tourism which is such an important factor in the economy of the Northwest, and preserves that resource for future generations, as well as guarantees a base for the tourism industry.

As Gov. Booth Gardner has stated:

> Our generation will be evaluated primarily by how we have treated the environment. The question is whether we shall continue to exploit it for its immediate value and therefore abuse it or will we treat it with respect and preserve it for the enjoyment and use of those who will follow us?

Additionally, although there is a Federal investment called for, as with other areas such as Olympic National Park and Rainier National Park, the result is a generator of jobs and revenue for the private sector, in addition to the local, State, and Federal entities. Thus, this legislation is an investment, not an expenditure, and one that benefits all of society.

Again, I want to thank you, Senator Evans, on behalf of the Vancouver mayor and city council, for bringing forward S. 2055 and urge you to work with our Congressmen to pass strong legislation in 1986.

Thank you.

[The prepared statement of Ms. Grattet follows:]

TESTIMONY ON
S2055
TO ESTABLISH
THE COLUMBIA GORGE NATIONAL SCENIC AREA
AND FOR OTHER PURPOSES

BEFORE:
THE SUBCOMMITTEE ON
PUBLIC RESERVE WATER AND RESOURCE CONSERVATION COMMITTEE
ROOM SD 364
9:30 a.m.
JUNE 17, 1986

BY:
JEAN GRATTET
FOR
THE CITY OF
VANCOUVER, WASHINGTON

I am Jean Grattet, representing Mayor Bryce Seidl of Vancouver, Washington, who is unable to be in attendance today and asked that I represent him and the City Council. Vancouver, as the largest Washington city on the Columbia River and the Gateway to the Gorge, has a very large stake in future Gorge management.

We want to thank the Senators from the Northwest for their diligence in working to bring forth legislation to protect the Columbia River Gorge. Time is so critical. Every day sees the incremental loss as more of the scenic grandeur of the Gorge disappears. In December, 1982, the Vancouver City Council, after the largest hearing on any subject ever conducted, took a position favoring strong Federal legislation to protect the unique national treasure located at our doorstep known as the Columbia River Gorge. Our testimony before the Honorable Senator Dan Evans in November, 1984, reaffirmed our support for strong legislation. I'm enclosing that testimony because of the elements the City Council feels are so crucial to good governance of the area.

We are aware of the provisions of S2055. Although S2055 utilizes a tier approach to management of the Columbia River Gorge including a regional commission, in the spirit of co-operation, we are willing to compromise and support such approach as long as certain strengthening amendments are included in S2055.

The strengthening amendments we support have been incorporated in HR 4221 and introduced in the House of Representatives by Congressmen Bonker, Dicks, Swift and Miller of Washington and Congressman AuCoin of Oregon. We urge you to incorporate these amendments into the Senate bill in the interest of fairness and good governance.

The three most important amendments which simply must be in the Senate legislation are:

1. Mandatory enforcement by the commission of County activities pursuant to this act, not discretionary as presently provided in S2055.

2. Strong and unambiguous standards by which the commission can be judged rather than the present language within S2055. I refer you to HR 4221 for those differences.

3. A nine vote override requirement by the Commission to assure that U.S. Forest Service input is more than advisory.

Protective legislation for the Columbia River Gorge will benefit the citizens of our area by ensuring that the scenic grandeur is not lost, replaces uncertainty with certainty for those who want to develop business and tourist facilities, promote tourism which is such an important factor in the economy of the Northwest and preserves that resource for future generations as well as guarantees a base for the tourism industry.

As Governor Booth Gardner has stated, "Our generation will be evaluated primarily by how we have treated our environment. The question is whether we shall continue to exploit it for its immediate value and therefore abuse it; or, will we treat it with respect and preserve it for the enjoyment and use of those who will follow us."

Additionally, although there is initially a Federal Investment called for, as with other areas such as Olympic National Park and Rainier National Park, the result is a generator of jobs and revenue for the private sector in addition to the local, state and federal entities. Thus, this legislation is an investment, not an expenditure and one that benefits all of society.

Again, I want to thank you, Senator Evans and Senator Hatfield, on behalf of the Mayor and City Council, for bringing forward S2055 and urge you to work with our Congressmen to pass strong legislation in 1986.

PUBLIC TESTIMONY
FOR PROTECTION OF THE
COLUMBIA RIVER GORGE

SENATOR DANIEL J. EVANS
SENATE ENERGY AND NATURAL RESOURCE COMMITTEE

NOVEMBER 8th, 1984
STEVENSON, WASH

BY:

ETHEL LEHMAN

COUNCILWOMAN

VANCOUVER CITY COUNCIL

I am Ethel Lehman, Vancouver City Councilwoman. Mayor Bryce Seidl was unable to be in attendance today and asked that I represent him and the City Council. Vancouver, as the largest Washington city on the Columbia river and at the gateway of the Gorge, has a very large stake in future Gorge management. Few communities have such a priceless heritage adjacent to them. The Vancouver City Council could not remain silent in the light of the National Park Service 1980 study on Management Alternatives. The status quo management of the Gorge is simply unacceptable. Following the Park Service Study, was a study prepared by the National Parks and Conservation Association for the Council on Environmental Quality at the request of the Reagan Administration. The Columbia Gorge was chosen as one of six prime areas for what was termed, "Greenline Parks" out of 150 candidates studied throughout the country, a further indication of national interest and the need for legislation.

October 1982, the City Council held on the Gorge the largest hearing we have ever held on any subject. I served on the sub-committee which interviewed the various interests. The issue was studied for 2 months before we settled on the thirteenth draft of a resolution included in favor of strong protective measures within the Gorge by a 5 to 1 vote. I am enclosing our Resolution. We are convinced that our heritage, the Columbia River Gorge, needs legislation that has four elements:

1. A comprehensive plan which spans the Gorge.
2. A master planner with experience in resource management. The U.S. Forest Service represents such management.

3. An impartial arbiter who will look at the tough issues with equality for all participants. Again, the U.S. Forest Service represents such a choice.
4. Requires a banker who is able to utilize the trading power of the largest land bank and treasury available. We are referring to the Forest Service which is the largest land holder in the Gorge and in the Northwest.

Although at the time (December 1982) we did not take a position on any particular Bill, the events that have followed have convinced the Council the provisions of S627, the Packwood/Hatfield Bill, are at this time the barest minimum acceptable. Additionally, Ron Hart, who initially voted against our strong Resolution, and who is in India today and unable to be here, would want you to know that he strongly urges passage of S627. We are also more convinced than ever from contact with our constituents and the results of an interveining election that we made a decision that was in tune with their feelings.

As a local elected official, I say with certainty, it is beyond the ability of Local, County or even State government to govern the entire Gorge. Additionally, the Commission approach is an illusion as far as governance is concerned. Any commission will ultimately become politicized, particularly one with land-use responsibilities. City and county constituents will not allow the tough decisions to be made.

I have here a copy of the organized testimony that was presented to the City Council that influenced our thinking. If you would like additional copies please advise me and I will see that they are available. Please join Senator Packwood and Hatfield in passing strong protection for the Columbia River Gorge.

Thank you very much and I will be pleased to answer any questions.

REVISED
12/20/82

RESOLUTION NO. M-2331

A RESOLUTION relating to the Columbia River Gorge.

WHEREAS, the Columbia River Gorge is a unique national treasure that offers potential for enjoyment by local residents as well as increasing numbers of visitors, now and for generations to come; and

WHEREAS, the Columbia River Gorge is a vital part of the regional economy and the livelihood of area residents and businesses; and

WHEREAS, the City of Vancouver, located in close proximity to the Gorge, has a vital interest in protecting this major scenic attraction that contributes to the well-being of its citizens; and

WHEREAS, the city council believes that steps must be taken to ensure the Gorge is preserved, both as a place to work and live for local residents, and as a recreation and tourist attraction for all citizens of our country; and

WHEREAS, the city council believes all interests can best be served by establishing a cooperative relationship among local, state and federal jurisdictions and agencies;

NOW THEREFORE BE IT RESOLVED the city council of the City of Vancouver declares its support for designation by the United States Government of a scenic area in the Columbia River Gorge, with primary management responsibility being assigned to a newly created body comprised of representatives of local, state and federal jurisdictions or agencies within the Gorge area; and

BE IT FURTHER RESOLVED the city council will support local, state and federal legislation that embodies a concept of full and equal partnership for local, state and federal jurisdictions and agencies directly affected by decisions relating to the Gorge; and

BE IT FURTHER RESOLVED the city council urges groups organized to advocate various positions on the Gorge to make sincere and sustained efforts to work together to resolve differences and develop the legislation needed at local, state and federal levels; and

BE IT FURTHER RESOLVED the city council urges Governor Spellman, members of Congress and our area state legislators and local elected officials to pursue this matter to a prompt resolution; and

BE IT FURTHER RESOLVED the city council pledges its support and best efforts to assist in preservation and protection of the Gorge.

ADOPTED at regular session of the Council of the City of Vancouver, this 20 day of December, 1982.

Jim Justin, Mayor

Attest:

June Rosentreter

H. K. Shorthill, City Clerk
By June Rosentreter, Deputy City Clerk

Approved as to form:

Jerry F King

Jerry F. King, City Attorney

PG:MW(WP)B1F

RESOLUTION - 3

Senator EVANS. Thank you.

Verne Veysey.

STATEMENT OF VERN VEYSEY, CHAIRMAN, BOARD OF COMMISSIONERS, CLARK COUNTY, WA

Mr. VEYSEY. Thank you, Senator.

My name is Vern Veysey. I am the chairman of the board of commissioners for Clark County, a long time resident of that county, and was a member of the task force of the State of Washington that attempted to come up with some bistate legislation. That particular effort failed and that is the reason I am here today.

In determining the proper role for the Federal Government, our board of commissioners believes there is only one central issue here, and that is: Is the Columbia River Gorge worthy of national recognition and preservation? Which governmental jurisdiction is in the best position to protect and manage the area? Our board believes the gorge clearly deserves national recognition and that the Federal Government can best provide the needed management authority.

There are some that would argue that Federal protection is not needed and that local governments can do the job.

There are six counties, two States, and 50 different entities, and they have separate jurisdiction in different parts of the gorge. They have not been able to agree on a plan, and, frankly, they never will. Only the Federal Government has the jurisdiction over the entire region and can bring about a unified plan. This fact, plus the national significance of the gorge, leaves one option for preservation, and that of course is the Federal option.

Some would argue that the Federal protection of the gorge will have a negative impact on local government, and that the protection would. We disagree with that. We believe that this protection would actually increase and have a very positive impact on local government.

The land proposed for the inclusion is mostly rural. To provide services to that area is much more costly than to the urban areas. The value of the adjacent properties and a result of this action will increase because people will want to live next to areas that are preserved for our future generations.

We also believe there will be strong economic, positive economic impact from the standpoint it will attract tourism to the area. And it is this kind of development, this kind of economy, that we think is important to put into the gorge.

There is an economy of scale in servicing the urban areas, and the urban area that has been set aside in the proposed bill is sufficient to service that area for some time to come.

The scenic area being preserved will provide a tremendous economic impact for the community. I think it was mentioned earlier that you cannot eat the view, but you can certainly sell it, and we think that will work very well in the gorge.

We support well-defined management standards. We support the bill that is before us. We very much appreciate the efforts that you, Senator Evans, have put forth to protect the gorge and to provide this opportunity for our future generations.

Thank you.

[The prepared statement of Mr. Veysey follows:]

TESTIMONY OF VERN VEYSEY
CONCERNING
LEGISLATION TO DESIGNATE
THE COLUMBIA GORGE NATIONAL SCENIC AREA

BEFORE THE

SENATE SUBCOMMITTEE ON PUBLIC LANDS,
RESERVED WAERS AND RESOURCE CONSERVATION

June 17, 1986

My name is Vern Veysey. I am Chairman of the Board of Commissioners from Clark County, Washington. Clark County is one of six counties in the Columbia River Gorge and sits at the Gorge's west entrance. I am a long-time resident of the county and was a member of the bi-state task force that attempted to draft state legislation to protect the Gorge. That effort failed...and that is part of the reason I am here today.

I am not here to express preference for any one bill, but rather to ask support for federal legislation to protect this national treasure.

In determining the proper role of the federal government, our Board of Commissioners believes there is one central issue: Is the Columbia River Gorge worthy of national recognition and preservation? And which governmental jurisdiction is in the best position to protect and manage the area? Our board believes the Gorge clearly deserves national recognition and that the federal government can best provide the needed management authority.

Some will argue that federal protection isn't needed. That local governments can do the job. Six counties, two states, and 50 different entities, however, have jurisdiction over separate portions of the Gorge. They have not been able to agree on a plan and never will. Only the federal government has jurisdiction over the entire region and can bring about a unified plan. This fact, plus the national significance of the Gorge, leaves one option for preservation. The federal option.

Some will argue that federal protection of the Gorge will lead to less tax revenues for local governments. However, federal protection of the Gorge will have a positive impact on our local resources.

-- The land proposed for inclusion is mostly rural. It is more costly to provide services -- roads, sewers, etc. -- to rural subdivisions than to urban developments. Tax revenues will not pay for the cost of services to these areas.

-- The value of adjacent properties will increase significantly because people will pay more to live next to land that will not be developed.

-- There will be tourism-type economic development potential for those in the Gorge and we strongly support the economic development provisions of Senator Evans' bill.

I repeat, rural development doesn't pay its way. On the other hand, when development is more urban, there is an economy of scale for the delivery of service. The designated urban areas make the most sense for development in the Gorge.

Further, a National Scenic Area provides the economic development potential of tourism for an area that has a high rate of unemployment. People will visit the Gorge and Mount St. Helens and spend money throughout our entire region.

I would like to make just a few comments about specific provisions within the proposed bills:

We support the commission concept for management of those lands between the urban areas and the special management areas. This will provide for local input and local support. The Bonker bill, H.R. 4221, is best designed to carry out the intent of the commission-managed land.

We support well-defined management standards with the authority granted to the commission and a federal agency to carry out the protection of the Gorge. The Forest Service seems a logical agency since it has a long-standing presence in the Gorge and has existing responsibility for the Mount St. Helens National Monument, the Mt. Hood and Gifford Pinchot National Forest.

In closing, we ask that you support legislation to protect the Gorge. That you provide legislation with the authority to carry out the intent to preserve the Gorge and that you promote economic development as part of this legislative program.

Thank you.

Senator EVANS. Thank you.

Joe King, Representative King.

STATEMENT OF JOSEPH E. KING, MAJORITY LEADER, HOUSE OF REPRESENTATIVES, STATE OF WASHINGTON

Mr. KING. Thank you, Senator Evans.

I am Joe King, the majority leader in the house of representatives. My legislative district is the next district over from the gorge district.

My involvement and interest in the gorge I think first came in 1981, serving on the commerce committee in the State of Washington, trying to figure out what motivated industries to make investments in areas. I came to the conclusion that the factors that are required to produce manufacturing, the kind of jobs that most communities want, are not going to happen soon in the gorge.

The transportation system is not there. The higher ed system is not there, and the access, the quick access to an airport is not there, that industries seem to require.

I think that I recognize, along with Senator Evans, that the best economic policy also makes for the best environmental policy, and compliment Senator Evans for taking a major step forward in doing something to ensure that the economic assets of the gorge are preserved as well as the scenic assets.

I think I would ask those that oppose locally the effort to do something if they think that 20 or 30 percent which remains, 20 or 30 percent unemployment remaining in the gorge, is acceptable. I submit, as you do, Senator, that it is not acceptable. I would ask those people to submit their plans saying how they are going to put their people back to work. And I compliment you.

I would like you to consider two points with reference to the particular legislation, both of which Senator Evans and Senator Hatfield have had experience with as Governors. When it comes to enforcement, it is not the first time, Senator Evans, I suspect that you have been involved in a legislative battle over "may" or "shall." You were involved, I am sure, as a Governor, as a State legislator, and have been again as a Senator.

But I would submit in this case that the local governments already may take some pretty decisive action up there had they chose to. We are here and you have proposed Federal involvement because those local governments have not chose to. I think that we need "shall." We need enforcement.

I ask you to contemplate what would happen if the commission changes and the commission decides they shall not. They may not want to enforce that. We have made a sizable investment there, and I would ask you to consider that.

On the question of standards—and again, I would ask you to review your experience as Governor. When do you have the least problem with a piece of legislation? When those standards are clear and strong.

And in drafting legislation I've often been accused—there is always a group that says, well, the standards are too strong. My experience in setting up programs and coming back is I have often erred on the side, in spite of the criticism that it was too strong, too weakly. I would ask you to improve the standard of "substantially impaired" to a higher standard.

Thank you very much for your effort and all the time you have spent on it. I appreciate the good work you have done.

[The prepared statement of Mr. King follows:]

TESTIMONY ON
S 2055
TO ESTABLISH
THE COLUMBIA GORGE NATIONAL SCENIC AREA
AND FOR OTHER PURPOSES

BEFORE:

THE SUBCOMMITTEE ON

PUBLIC RESERVE WATER AND RESOURCE CONSERVATION COMMITTEE

ROOM SD 364

9:30 a.m.

JUNE 17, 1986

BY:

JOSEPH E KING

MAJORITY LEADER

STATE OF WASHINGTON

HOUSE OF REPRESENTATIVES

113 W. First Street

VANCOUVER, WASHINGTON 98660

I am Joe King, Majority Leader for the House of Representatives for the State of Washington. I serve on the Ways & Means Committee, Trade and Economic Development Committee and the Rules Committee.

I want to thank Senator Evans for his leadership in developing legislation which has been co-sponsored by his colleague Senator Gordon and the honorable Senators from Oregon, Senator Mark Hatfield and Senator Bob Packwood. The fact that we are here in Washington D.C. is because of their diligence.

As an independent businessman and a Representative to the State Legislature, my bias is to do everything possible that can be done at the lowest levels of government. When observing any particular problem, one needs to go to the lowest level of government to solve that problem first. However, some problems simply cannot be addressed at that level satisfactorily. In the case of two states, six counties and 50 differing jurisdictions, it is imperative that a partnership be formed to take into consideration all of those entities. Your work with S 2055 is a very strong step in that direction and you are to be commended.

As an elected Representative I can assure you that the resources of the State of Washington for the next many years will not have the flexibility to even consider funding programs for the protection of the Columbia River Gorge. Our problems in providing for existing services defy easy solutions.

Additionally, political realities in the State of Washington are that the Puget Sound area, which is located 155 miles away, is the location of the majority of the State's population. The pressure to develop recreation areas and preserve pristine areas in the Puget Sound area is as great as it is in the Columbia Gorge and most of the Representatives are there, not in Southern Washington.

That does not mean that the citizens of Puget Sound are unmindful of the needs of the Columbia River Gorge and, in fact, there is a great deal of support within the Puget Sound area and throughout the State of Washington for strong Federal legislation to protect this priceless resource. If we did not have this support, it would be virtually impossible to consider National Scenic Area Legislation.

I observed the work of the Governors Select Committee when they attempted to design a plan to manage the North side of the Gorge. After they had finished the deliberation I realized that the local officials in Skamania and Klickitat Counties, as well as the citizens, gave no support to the work, which is a method of addressing the problem on the Washington side of the River. I also noticed a distinct reluctance on the part of Representatives that sat on that Committee to introduce legislation and they certainly didn't lobby for same because they knew that it didn't represent their constituency. But, I can assure you that my constituents from Clark County and throughout the State of Washington are supportive of National Scenic Area Legislation.

The charge given local elected officials does not include the protection of a national treasure for all of society. The same is true for the State of Washington and that is the reason we have National Parks, National Forests, National Wilderness Areas, National Recreation Areas and other areas of significance managed by a Federal Agency. It is asking entirely too much to ask the locals in the State to solve a National problem.

The economic advantages of strong National Scenic Area Legislation is the enhancement of tourism, while at the same time making certain that the resource is not decimated by urban sprawl. As former Chairman of the Trade and Economic Development Committee for the State of Washington, the brightest hope for economic development within the Gorge does not lie with timber, which has passed its zenith; does not lie with industry, which can locate elsewhere under more favorable land and weather conditions, but it lies with tourism. The Northwest's economy has been based on timber because this is where the timber has been located. The transition now is to tourism and tourism is the finest of natural resources available. In the Northwest we are blessed with conditions which elude most of the nation. Tourism in Washington State represents the fourth largest industry. In 1985 tourism generated approximately $3 billion in revenue and created the equivalent of 83,000 fulltime jobs in Washington State. Tourism is Oregon's third largest industry and the Governor's Council on Economic Recovery predicts that it will be the State's largest industry by the end of the next decade. In 1984 tourism generated approximately $2.75 billion in direct expenditures and created the equivalent of 73,250 fulltime jobs in Oregon State. The National Scenic Area Legislation would compliment the Mount St. Helens National Monument in a most unique fashion due to geology and topography. The U. S. Forest Service has projected that the Mount St. Helens National Monument will draw 2.8 million visitors annually by the year 2000 and create 5,000 new jobs and generate $365 million in additional income to the area.

National Scenic Area Legislation for the Columbia Gorge is similar in economic impact to the Mount St. Helens National Monument. The increased revenue to local, State and Federal government from the tourism industry will more than offset the initial capital expenditure necessary to bring about this legislation. The economic benefits with passage of this legislation will be simply outstanding. For instance, the $1.1 million Federal Grant given to Cascade Locks to develop their sternwheeler has resulted in about three short years in the sternwheeler being the largest employer in Cascade Locks.

In summation regarding the economic benefits, passage of the National Scenic Area Legislation for the Columbia Gorge will enhance tourism and enhance the Gorge's local economy in at least three respects. First, just the designation "National Scenic Area" will serve as a magnet to attract visitors, especially those who reside outside the Pacific Northwest to the

Gorge. The designation "National Scenic Area" will be placed on all maps throughout the United States, travel agencies will be advised, and people who are unfamiliar with the Northwest will know - just from the designation - that the Columbia River Gorge National Scenic Area is an area of national significance and a place worth visiting.

The National Scenic Area legislation and its authorization for acquisition of critically important land will lead to greater public access to areas like the Columbia River which will benefit all recreationalists and particularly Gorge residents. Additionally, money from these acquisitions goes to work in the community.

Lastly, National Scenic Area legislation will provide much greater protection for the Gorge's acclaimed vistas which provide the incentive more often than not, for visits to the area by tourists. Actions in Skamania County and elsewhere are at cross purposes with development of the tourism industry. Suburbanization of the Gorge's national significant vistas will only discourage the area's burgeoning tourism industry.

As a State Legislator, I recognize the opportunity that is available to utilize the U. S. Forest Service with its experience, skills, and resources in the development of an overall management plan for the Columbia River Gorge. In order that the management plan be of the very highest quality and to ensure consistency throughout the region, the Forest Service must have more than an advisory role. I recognize the Forest Service can veto the management plan developed by the Regional Commission if it does not follow the act. I'm very concerned that a vote to pass the management plan by the Regional Commission initially is the same vote it takes to override the veto. This emasculates the U. S. Forest Service and relegates them to an advisory body. It takes 8 votes to pass the bill. It should take 9 votes to override the U. S. Forest Service.

As a State Legislator, I realize it is extremely important that the legislation you pass have strong, unambiguous standards. Good governance requires same. Anything less leads to misunderstanding, frustration, and oftentimes litigation. Weak development standards give the appearance of protection without the substance, which tends to lull people to sleep until it's too late to solve the problem.

As a State Legislator, and an observer of local control of land-use decisions in southern Washington, I urge the need for mandatory enforcement by the Commission of commission-managed lands. The problems that have involved the various jurisdictions and the courts in the State of Washington over the last six years have involved non-enforcement of one or more statutes. This is not fair to the citizens, it is not fair to investors, and it is not fair to the rest of society. Do not set us up where everything must be litigated, lost to suburbanization, or continue the hiatus which exists today.

In conclusion, I would like to state again the need for strong National Scenic Area legislation. Time and again the locals have shown that they won't do the job; I can assure you the State cannot do the job. The Federal Government is the entity that has the final responsibility for those items of national interest including the National Scenic Area. The economic impact will be most beneficial upon the area.

I urge mandatory enforcement by the Commission of commission-managed lands. I call for the strong, unambiguous standards of development to be spelled out in the legislation. And a nine-vote Commission override.

I would urge you to work with Congressmen Bonker, Dicks, Swift, and Miller from the State of Washington, and Congressman AuCoin from the State of Oregon on these issues. Their legislation, HR 4221, which is your legislation with strengthening amendments, solves the concerns I see as a Legislator. I urge you to work closely with them and with Representatives Weaver and Lowry, Morrison and Wyden to bring forth strong National Scenic Area legislation.

I again want to thank you Senator Evans, Senator Gorton, Senator Hatfield, and Senator Packwood for all of your attention and concern, and if there is anything I can do to assist you in coming forward with strong Federal legislation, I stand ready to help.

Senator EVANS. Mr. Fred Holly, chairman of Klickitat County Board of Commissioners.

STATEMENT OF STEVEN B. ANDERSEN, PLANNING DIRECTOR, KLICKITAT COUNTY COMMISSIONERS, GOLDENDALE, WA

Mr. ANDERSEN. My name is Steven Andersen. I am the Klickitat County planning director, and I will be giving Mr. Holly's testimony along with the other two county commissioners. We have written testimony we submitted.

We are opposed to the bill because we feel the Columbia Gorge can be managed locally. Klickitat County is currently administering and actively enforcing a zoning ordinance which contains a gorge protection district which has been in force since November 1981 and which has protected the scenic qualities of the gorge in Klickitat County while assisting achievement of a viable balance between economic growth and environmental protection. We have the following comments regarding the bill's provisions.

First and foremost, we feel an unbiased economic study needs to be done prior to the final passage of the bill. We feel strongly that the gorge viewshed should be the boundary for the national scenic area.

We feel the Klickitat Canyon SMA needs to be deleted. There simply are no justifiable criteria for including it in the legislation as a special management area or even as part of the commission-managed lands.

The Gorge Commission members should be residents of gorge counties. We would urge section 5 of the bill to be amended to delete the prohibition of appointing elected or appointed government officials to the commission.

Section 6 should be amended to authorize a commission to prepare and adopt a management plan for all lands designated NSA without the overriding approval or denial of the Secretary of Agriculture.

Section 9 needs to be amended to include timelines for the completion of the acquisition plan and for completion of acquisition. We would recommend 2 years and 3 years, respectively, for those timelines.

Section 17 exempts forest practices from the act. There is nothing, however, to guarantee that agricultural practices will not be regulated. An additional subsection should be included under this section providing that nothing in the act shall be construed to affect or modify commercial agricultural practices.

Given the anticipated detrimental impact that the NSA will have on the attraction and expansion of industry in the gorge, it is vital that the entire Dallesport Peninsula be designted an exempt area. This would provide for industrial growth of the only large expansive ground found in the entire gorge which is topographically suited for large-scale industrial activities.

Gov. Booth Gardner's Team Washington Program is designed to diversify and modernize industrial investment in the State, and this should be recognized in the bill. Emphasis should be placed upon diversified light industry as well as tourism.

In closing, we urge you to consider the merits of local control of land use decision making in the Columbia Gorge and to reflect on how successful Klickitat County has demonstrated this approach. If legislation is what is ultimately decided, make it authorizing legislation for a bistate commission of local members with the authority to mandate local ordinances to be in compliance with an overall management plan for an NSA developed by such a commission.

Multimillions of dollars need not be spent and, most importantly, the destiny of the gorge would remain in the hands of those of us who live in the area and those of us who have the largest stake in seeing that the gorge is protected.

[The prepared statement of Mr. Andersen follows:]

MEETINGS EVERY MONDAY

KLICKITAT COUNTY COMMISSIONERS
205 S. Columbus, Room 101
Goldendale, Washington 98620

June 9, 1986

TO: Subcommittee on Public Lands and Reserved Water of the Senate Energy and Natural Resources Committee

RE: S. 2055; Proposed Columbia Gorge National Scenic Area Act
Public Hearing of June 17, 1986

This testimony is respectfully submitted in opposition to the above referenced bill. The basis for our opposition is that the bill is not needed; that the Columbia Gorge can be managed locally; that Klickitat County is currently administering and actively enforcing a zoning ordinance which contains a zoning district entitled "Gorge Protection District" which has been in force since November of 1981 and which has protected the scenic qualities of the Gorge in Klickitat County while assisting achievement of a viable balance between economic growth and environmental protection.

GORGE PROTECTION ZONING IN KLICKITAT COUNTY

For nearly five (5) years Klickitat County has administered a local zoning ordinance containing a "Gorge Protection" district for purposes of protecting the scenic qualities of the Columbia River Gorge which has been used as a model in adopting similar ordinances in other gorge counties and could be used as the basis for a regional management approach to protect the entire Gorge from unsightly and uncontrolled development.

Essentially, the zone prohibits certain types of activities considered incompatible with maintaining scenic quality and allows other types of development with certain restrictions designed to maintain the natural character of the area. This is administered as an overlay zone, which means that provisions of the gorge protection district are applied in addition to those of the regular zoning within the area. (A summary of the zone is attached.)

The county has received accolades for this innovative and responsible approach and has unquestionably demonstrated that local zoning does work as a viable tool in protecting a scenic resource. For this reason, it is understandable that Klickitat County has steadfastly maintained that federal control of the Gorge is unnecessary; that land use control in the Gorge can and should be the responsibility of local government.

Although Klickitat County opposes the establishment of a National Scenic Area, it recognizes the possibility that the Congress may pass legislation establishing such and it wishes to address its concerns regarding the provisions of S. 2055.

PRINCIPAL CONCERNS & RECOMMENDED CHANGES

1. ECONOMIC IMPACT STATEMENT NEEDS TO PRECEDE THE ACT: An unbiased economic impact study needs to be done prior to the final passage of the bill. This study should address (a) the resulting change in property tax revenues and its impact on taxing districts due to (1) changing land values resulting from increased use restrictions placed upon private property and (2) the loss of private property from the tax roles of lands transferring to federal ownership; (b) the effect of implementing scenic area regulations on future growth and investment within the Gorge; (c) the effect on the entire Gorge economy of limiting the development corporation to assisting only tourist oriented businesses; (d) the effect of administering a park-like entity on industrial development and job creation within the exempt areas and the resulting change in the employment profile of the Gorge that would result; (e) preparation of an inventory of the existing natural resources within special management areas and the impact to the local economies of locking up these resources from use; and (f) development of a mechanism (which would be incorporated in any subsequent enabling legislation) for reimbursing counties for revenue losses that result from administering the NSA.

Since this would be the first area in the nation to be designated a National Scenic Area, there are no other precedents at hand for evaluating the impact on humanity that such an Act might have. It would appear utterly irresponsible not to have an in-depth study done prior to final passage of legislation.

2. GORGE VIEWSHED AS BOUNDARY FOR THE SCENIC AREA: The state of Washington defines the visual basin of the Columbia Gorge in Washington by statute (Revised Code of Washington 43.97.090). The state of Oregon has a similar statute. This includes all lands that can be seen from Interstate 84, State Route 14 and the Columbia River. The present Senate map of the Proposed Columbia Gorge National Scenic Area dated December 1985 extends the NSA boundary beyond what is actually within the visual basin. Approximately 10,500 acres of land designated National Scenic Area (NSA) and 11,800 acres designated Special Management Area (SMA) in Klickitat County are outside the visual basin of the Gorge as defined by state statute. The Senate map boundaries need to be revised to mirror the state defined boundary in Klickitat County; otherwise, lands that can not be seen will be unfairly subject to Scenic Area and Special Management regulations. (See map attached.)

Any expansion of the NSA boundary further east on the Washington side should be rejected as there is no apparent need and the present eastern boundary, Miller Island, is an easily recognizable physical feature.

3. KLICKITAT CANYON SMA NEEDS TO BE DELETED: Of the total 8030 acres of the Klickitat Canyon SMA, approximately 8000 acres (99.6%) lie outside the visual basin of the Gorge as explained in the paragraph above. There are no sound reasons for including the Klickitat Canyon within a Columbia Gorge National Scenic Area. Virtually all of the land is undevelopable, either lying within the flood plain of the Klickitat River or being characterized by slopes too steep for any kind of development. The only real exception to this is a strip of cropland along the northeastern boundary outside the east canyon slopes which, apparently, was included by mistake. The canyon itself does not appear to have national significance for either scenic protection or wild river status. Much of the river banks are now man-made consisting of fill for the state highway and the railroad which wind along the narrow canyon floor. Wildlife habitat protection is assured by virtue of the extremely steep terrain throughout the area. There are less than 20 acres of merchantable timber in the entire SMA. Vegetation is characterized predominantly by scrub oak. The state's shoreline management laws assure protection for the shoreline. Public access to the river is now provided at several points. Visually, the drive, although beautiful, particularly during the fall, does not compare to the grandeur of the Columbia Gorge. There are simply no justifiable criteria for maintaining this area within an SMA.

4. GORGE COMMISSION MEMBERS SHOULD BE RESIDENTS OF GORGE COUNTIES: Klickitat County would urge Section 5 of the Bill to be amended to (1) delete the prohibition of appointing elected or appointed government officials to the Commission and (2) require that the Governors' appointments be residents of Gorge counties. These two changes would allow (a) the option of local government to appoint a member of the legislative governing body to the commission to assure direct representation of the residents of the Gorge on the commission; and (b) assure that all voting members are residents of the counties which will be impacted by the decisions made.

5. SECRETARY OF AGRICULTURE BE LIMITED TO APPROVING MANAGEMENT PLAN FOR SPECIAL MANAGEMENT AREAS ONLY: Section 6 should be amended to authorize the Commission to prepare and adopt a management plan for all lands designated "NSA" without the overriding approval or denial of the Secretary of Agriculture. The Secretary will have no management authority within such lands, therefore he should not have final approval of the plan for such lands. It would be an insult to the integrity of the Commission members to leave such a provision in the Act. Section 8 should be amended to allow the Commission and the Secretary to jointly prepare a management plan for lands designated "SMA". Private lands within SMA's should be under the management

authority of the Commission until such time as lands are transferred to federal ownership and become an actual part of the national forest system. Since the Secretary will be responsible for management of lands acquired within SMA's, it would be appropriate for the Secretary to have final approval of the management plan for these lands.

6. SECRETARY TO BE GIVEN DEADLINES FOR DEVELOPMENT OF ACQUISITION PLAN AND FOR ACQUIRING PRIVATE LANDS: Under present provisions of the Bill, private lands could be under SMA regulations for an indefinite period of time unless an offer to sell is made by the private landowner or if the private landowner is turned down when requesting a new residence, at which time a three year period is required for acquisition. If not acquired, the land transfers to NSA status. Although the Bill requires the Secretary to prepare an acquisition plan, he is under no time constraints to do so. This would result in an unfair situation for the private landowners within SMA's. In effect, the land is managed as a unit of the national forest system without benefit of being under the ownership of the federal government. Section 9 needs to be amended to include time lines for the completion of the acquisition plan and for completion of acquisition. Two years would seem appropriate for completing the acquisition plan. Acquisition should be completed within three years after adoption of the acquisition plan, and no land should be acquired until the acquisition plan is adopted. At the end of five years, all private lands within SMA's which have not been acquired would revert to NSA status.

7. FINANCIAL ASSISTANCE FOR DEVELOPMENT MUST BE GUARANTEED. It is anticipated that the establishment of a National Scenic Area would have great consequences on the existing economies of the Gorge. Economies which have been depressed for years and which have been further depressed by the threat of a federal presence in land use decision making. Unemployment statistics in Klickitat and Skamania counties are routinely at the top of the charts. The threat of federal land use controls have further exacerbated this problem. Tourism dollars generated as a result of an NSA will not be the panacea for turning our respective economies around. There must be a diversified economy to assure year-round prosperity. For these reasons, provisions which guarantee federal financial assistance for development should be considered a vital element of legislation, and it must be available to assist all development considered to be not incompatible to the purposes of the Act, not just those related to tourism, and not just those that might be located within the boundaries of the NSA. Projects must be eligible for funding anywhere within those counties whose economies have been detrimentally impacted by the NSA. And grants should be made available to local governments and economic development districts and councils within those depressed areas for economic development efforts.

8. URBAN AREAS MUST BE TOTALLY EXEMPT: Presently, S. 2055 exempts lands within Klickitat County that are within and adjacent to existing communities that are zoned for urban types of uses. It is vital that the existing communities have the freedom to grow and prosper without "compatibility" standards to inhibit them. Any argument made to control urban areas under such standards should be summarily rejected. Communities need to be able to maintain and develop individual character. Compatibility with the purposes of the Act in this case is completely inappropriate and should not be an issue simply because of the differences in function between the urban environment and the rural environment. They should be considered mutually exclusive.

9. AGRICULTURAL PRACTICES NEED TO BE EXEMPT FROM MANAGEMENT PROVISIONS: Section 17 exempts forest practices from the Act. There is nothing, however, to guarantee that agricultural practices will not be regulated. An additional subsection should be included under this section providing that nothing in the Act shall be construed to affect or modify commercial agricultural practices. A corresponding definition for "agricultural practice" should also be included to prevent such activities as food processing and livestock feed lots from being considered agricultural practices. Inclusion of the exemption would assure that, for example, such activities as the conversion of grazing land to cropland and orchards would be permitted and unregulated. This would prevent the commission from developing policy which would prohibit such conversions. It would also assure that agricultural practitioners would have a free and unencumbered right to use the latest techniques and measures to maximize yields.

10. THE ENTIRE DALLESPORT PENINSULA TO BE EXEMPT: Given the anticipated detrimental impact that the NSA will have on the attraction and expansion of industry in the Gorge, it is vital that the entire Dallesport Peninsula be designated an exempt area. It is recommended that the Peninsula be considered all land shown on the attached map. This would encompass all of the lands in the Dallesport and Murdock area south of a line established generally 1/4 mile north of SR 14. This would provide for industrial, commercial and residential growth of the only large expanse of ground found in the entire Gorge which is topographically suited for large scale industrial activities. This peninsula is unique to the Gorge in this respect, and it should be recognized and protected for its development potential, not encumbered by a multitude of regulations and prohibitions which would prevent its potential from being realized. Additionally, the peninsula is unique in that almost all of the land proposed for exemption is not visible from I-84 or the Columbia River due to is low relief, setting only a few feet above the elevation of the river.

11. EXPAND PURPOSES OF THE ACT BEYOND RECOGNIZING ONLY HISTORIC ECONOMIC PURSUITS: "Historic" economic pursuits have given Klickitat and the other Mid-Columbia Gorge counties the highest unemployment rate in the Pacific Northwest. The minimum wage jobs of tourism which the bill promotes offers little chance of remedy. Governor Gardner's Team Washington program is designed to diversify and modernize industrial investment in the state, and this should be recognized in the bill. Emphasis should be placed upon diversified light industry as well as tourism.

CLOSING

Thank you very much for providing us this opportunity to be heard. We hope you find the comments to be constructive. We urge you to consider the merits of local control of land use decision making in the Columbia Gorge and to reflect on how successful Klickitat County has demonstrated this approach. If legislation is what is ultimately decided, make it authorizing legislation for a bi-state commission of local members with the authority to mandate local ordinances to be in compliance with an overall management plan for an NSA developed by such a commission. If sufficient funds are provided for the administration and implementation of such a program, the local governments of the Gorge could continue to provide for scenic protection of the area while maintaining the economic well-being of its residents as well as assuring adequate accommodations for the increase in tourists that an NSA would bring. Multi-millions of dollars need not be spent, and most importantly, the destiny of the Gorge would remain in the hands of those of us who live in the area; those of us who have the largest stake in seeing that the Gorge is protected.

Respecfully submitted,

Fred Holly
Fred Holly, Chairman

Glenn M. Claussen
Glenn M. Claussen, Member

Daryl C. Spalding
Daryl C. Spalding, Member

Constituting the Board of Commissioners of Klickitat County, WA

Steven B. Andersen
Planning Director

SUMMARY OF GORGE PROTECTION OVERLAY ZONE ADOPTED IN NOVEMBER 1981

Purpose & Intent: Implement Klickitat County Comprehesive Plan's "Resource Management Program for the Columbia Gorge" to achieve balance between economic growth & environmental protection.

Administration: Overlay zone provisions to have precedence over underlying zoning in area defined as the Columbia Gorge in RCW 43.97.030.

Uses & Lot Sizes: As allowed in the underlying zoning with the exception of mining, which is discussed below.

General Development Standards: 1) fit natural topography; 2) no terraced building sites contrary to natural topography; 3) can't contribute to instability of soils; 4) cut & fill excavation to be minimized; 5) natural vegetation to be retained; 6) minimize impacts of above ground utility installations; and 7) structures in open areas earth tone in color, manufactured homes double wide units resembling site constructed homes.

Hillside & Bluff Development Standards: 1) no development on slopes greater than 50%; 2) soils & geology report required for development on slopes 25-50%; 3) lots on cliff & bluff crests to be used for agricultural, forestry, and residential uses only; 4) structures to be set back not to infringe on skyline; trees to be preserved must be protected during construction; and 5) lot width to be at least 200 feet.

Standards for Development along Scenic SR14: 1) 100' set back from highway right-of-way; 2) new intersections to be discouraged; 3) access roads and driveways to be at least 500' apart except were prohibited by topography and except for previously existing lots.

Parking: two (2) off street parking spaces required for residences fronting on SR14.

Commercial & Industrial Development: limited to agriculture, forestry, recreation and energy production facilities.

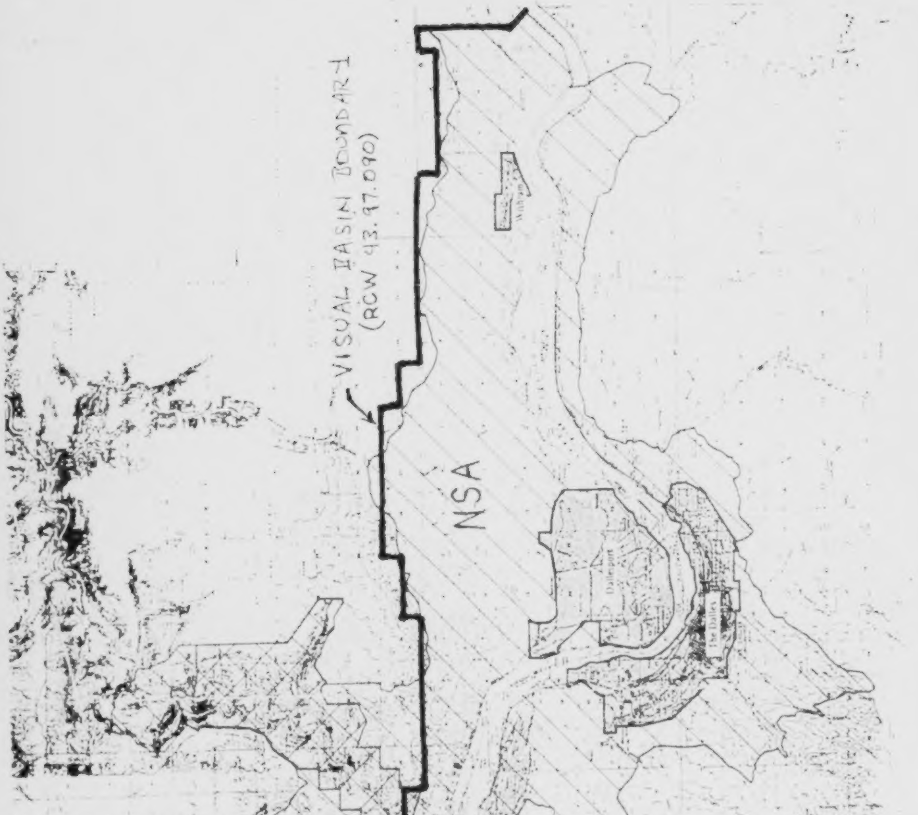
Surface Mining: to include extraction of rock, sand, gravel, loam or earth. Conditional use permit from board of adjustment required if following criteria are met: 1) if site is on a reverse slope from the river & highways or if site is screened so that it is not visible from river & highways and if operation is conducted under an approved reclamation plan; 2) if not more than 2,000 yards removed for personal on site use. Removal of rock by state and county highway departments permitted for alignment of roads and protection of public safety.

Site Plan Requirements: 1) the boundaries and size of the parcel involved; 2) the location and width of all existing streets, roads and easements; 3) the layout of proposed streets, roads and alleys; 4) the location and size of any proposed and existing permanent structures; 5) the location of bluff or cliff lines on, or within 300 feet of the site; 6) the type, approximate location and height of all trees 6" dbh (diameter breast height) within 100 feet of all proposed structures on the site. Such trees to remain after completion of the proposed development action shall be noted. Details of post construction landscaping may be provided; 7) the boundary and depth of all grading or excavation to be done for road construction, building site preparation, or landscaping purposes; 8) the location of water courses and bodies of water, including the identification of drainage patterns which will result from construction; and 9) for surface mining applications, the boundaries of the area to be mined, the depth of excavations and the proposed final site contour.

Development Review Procedure: required for short subdivision, subdivision, conditional use, variance and building permit approvals. 1) Reviews to be responsibility of the planning director. Assistance from county engineer, sanitarian and other agencies may be requested. State highway Department to comment on all accesses to SR14. USDA Soil Conservation Service to comment on all developments on slopes greater than 25 percent. Findings and conclusion of planning director to be documented in writing and submitted to appropriate approving agencies. No affirmative action shall be taken by any approving agency until the planning director's report is received.

Shoreline Lands: uses and standards adopted in the shrelines master plan for urban, rural, conservancy and natural areas into which shorelines within the gorge have been classified shall be followed.

Two Year Reveiw and Sunset Clause: this overlay zone shall be reviewed every two (2) years from the date of adoption by the Board of County Commissioners and Planning Commission and it will sunset after four (4) years.

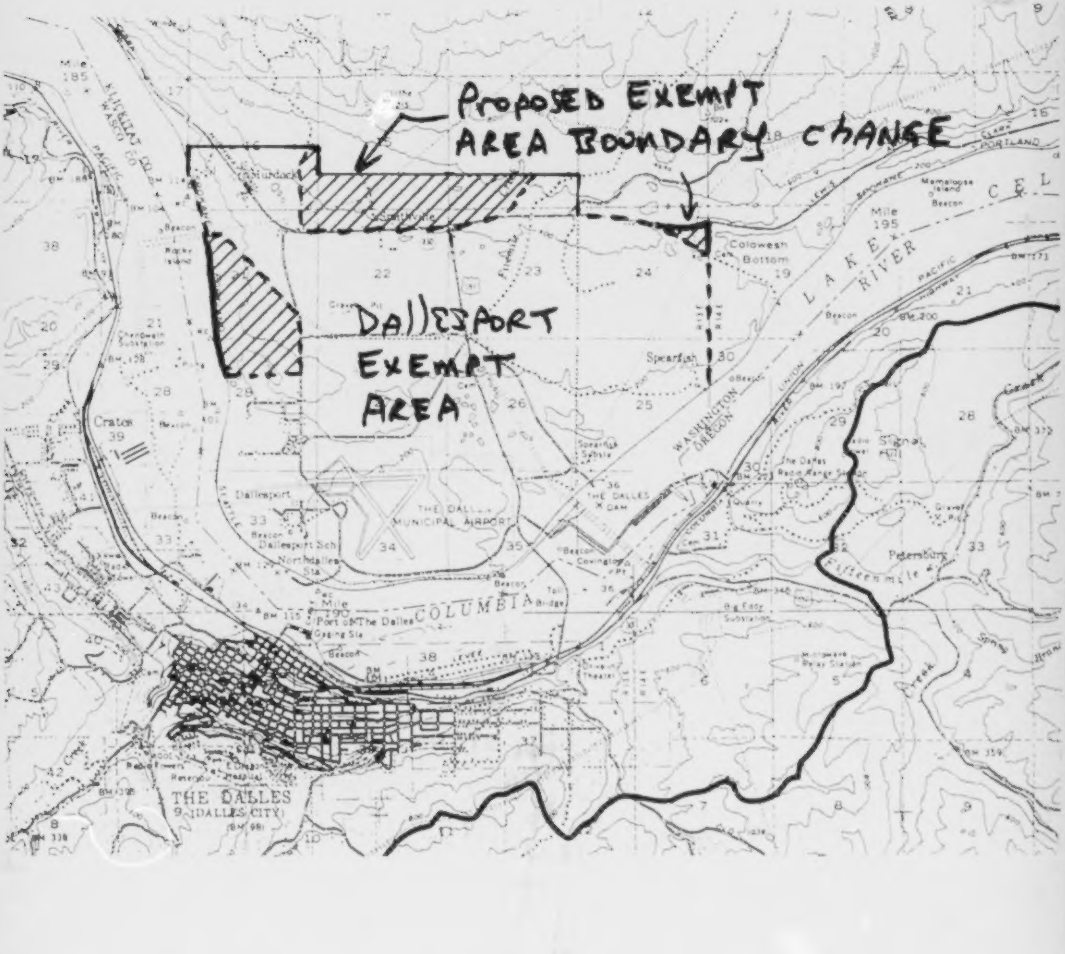

VISUAL BASIN BOUNDARY
(RCW 43.97.090)
NSA
SMA
White Salmon River
Bingen
Hood River
Mosier
Lyle
Dallesport
The Dalles
Wishram
Gorge

DALLESPORT PENINSULA

RE: Comment No. 10

Area shown by cross-hatching currently is designated as commission managed lands within the NSA. Klickitat County urges the map be revised to include these areas under the "exempt" classification; that the Dallesport Peninsula be defined as all lands lying south of the following lines: the north line of the south half of Section 16, the north lines of Sections 14 & 15, and State Route 14 in Section 24, ALL within T2N, R13E, W.M.

Both the area at Smithville and the area in Sections 21 & 28 contain valuable aggregate deposits similar in quality to the rock which was used in Section 22 for the construction of the 2nd powerhouse at Bonneville Dam. A restaurant as well as a rock pit presently operate within the Smithville area.


Proposed EXEMPT AREA BOUNDARY CHANGE
DALLESPORT EXEMPT AREA
Murdock
Smithville
Colowesh Bottom
Spearfish
Dallesport
THE DALLES MUNICIPAL AIRPORT
THE DALLES DAM
COLUMBIA
LAKE CELILO
RIVER
WASHINGTON
OREGON
Crates
Petersburg
THE DALLES
(DALLES CITY)
KLICKITAT CO.
WASCO CO.

Senator EVANS. Thank you.

Ms. Betty Thompson, port commissioner, Klickitat County.

STATEMENT OF BETTY THOMPSON, SECRETARY, KLICKITAT COUNTY PORT DISTRICT, WHITE SALMON, WA

Ms. THOMPSON. Senator Evens, and staff, I represent the Port of Klickitat.

We do not believe a Federal presence is either necessary or advisable in the decisionmaking of control of the gorge. If overdevelopment presents a probable threat to the gorge environment in the future, scenic area restrictions present an immediate threat to the economic well-being of the gorge residents.

Although our President may wish to believe otherwise, the recession is still very much a part of many small towns in rural America, and its effects here have stymied gorge economies for 5 years.

The threat of legislation has extended and magnified the effects of that recession, discouraging placement of new business and impeding expansion of existing business. Our unemployment statistics are routinely at the top of the charts. If we are not widely recognized as a regional disaster area, it is only because the White Salmon River serves as a handy, if illogical, boundary for the Olympia bureaucracy.

The local cost of high, unending unemployment and jobless compensation, in human frustration, in drug abuse, divorces, child abuse, and alcoholism are simply overlooked. It is difficult for people under such circumstances to understand the concern of those who rightfully fear for the environment.

When a hungry man is offered a loaf of bread, he does not question its origin. When it is snatched away from him or dangled out of reach, he rises in anger. We cannot blame him. Yet the gorge legislation we have seen thus far offers scant crumbs or nothing at all to the hungry people—yes, hungry. We speak in more than a figurative sense of the Columbia River Gorge.

The old Packwood bill, now resurrected in the House, would spurn these people entirely. The remaining bills offer little more solace, only a vague development corporation to loan money with plenty of strings to tourist-oriented development.

We are strong advocates of tourism, yet we cannot believe it offers an economic base for the gorge. One does not lay off a millworker earning $12 an hour, rehire him as a waiter earning $3.50 an hour, and expect him to keep either his self-respect, his family, or his sanity. How many Congressmen, congressional staffers, or prospective politicians from the ranks of today's professional classes would brook such a tradeoff?

If gorge legislation comes to pass, it must be preceded by an economic study of the subsequent impact on human life in the gorge. It is right and proper to assess the environmental impacts of a new dam. Would that the Federal Government had learned that lesson before it destroyed Celilo Falls.

Also the ability of the Federal Government to legislate the gorge is contradictory. The perfect example is contemplating Hanford as the site for our national nuclear waste. Hanford is located 4 miles from the Columbia River, the second largest river in the United

States. Studies have indicated it is already leaching into the Columbia River.

Adverse publicity on contamination of the river will further erode the economy of the residents of the Columbia River Gorge as well as the State of Washington. If this is the case, is it not also right and proper to assess the impact on humanity of legislation which would be, at best, experimental? This would, after all, be the first national scenic area established and the first national nuclear repository.

I have much more to say, but I have run out of time.

[The prepared statement of Ms. Thompson follows:]

KLICKITAT COUNTY PORT DISTRICT
P. O. Box 1429
White Salmon, WA 98672

(509) 493-1855

June 10, 1986

TO: Subcommittee on Public Lands and Reserved Water of the
Senate Energy and Natural Resources Committee

RE: S.2055; Proposed Columbia Gorge National Scenic Area Act
Public Hearing of June 17, 1986

The issues behind the current Congressional bills are many and complicated, more so perhaps than either proponents or opponents of the measures have been willing to admit thus far. There is much to be said for stronger regional land-use controls in the Gorge; there is also a great deal to be said for the importance of local independent decision making. We do not believe a federal presence is either necessary or advisable in that decision making.

If overdevelopment presents a probable threat to the Gorge environment in the future, scenic area restrictions present an immediate threat to the economic well-being of the Gorge residents. Although our President may wish to believe otherwise, the recession is still very much a part of many small towns in rural America, and its effects here have stymied Gorge economies for five years. The threat of legislation has extended and magnified the effects of that recession, discouraging placement of new business and impeding expansion of existing business. While the strong orchard economy of Hood River County has buffered this problem on the south side of the Gorge, no such deus ex machina awaits Klickitat or Skamania counties. Our unemployment statistics are routinely at the top of the charts. If we are not widely recognized as a regional disaster area, it's only because the White Salmon River serves as a handy, if illogical, boundary for the Olympia bureaucracy. Klickitat County is lumped in the same Service Delivery Area under JTPA as the more economically stable Yakima County, while Skamania County falls under the aegis of the investment Shangri-la, Clark County. The result is that our unemployment statistics are moderated by our respective neighbors, and the local cost of high, unending unemployment--in jobless compensation, in human frustration, in drug abuse, divorces, child abuse and alcoholism--are simply overlooked.

It is difficult for people under such circumstances to understand the concern of those who rightfully fear for the environment. When a hungry man is offered a loaf of bread, he does not question its origin. When it is snatched away from him, or dangled out of reach, he rises in anger. We can't blame him.

Yet, the Gorge legislation we have seen thus far offers scant crumbs, or nothing at all, to the hungry people (yes, hungry, and we speak in more than a figurative sense) of the Columbia River Gorge. The old Packwood bill, now resurrected in the House, would spurn these people entirely; the remaining bills offer little more solace--only a vague development corporation to loan money--with plenty of strings--to tourist-oriented developments.

We are strong advocates of tourism, yet we cannot believe it offers an economic base for the Gorge. One does not lay off a millworker earning $12 an hour, rehire him as a waiter earning $3.50 an hour, and expect him to keep either his self-respect, his family or his sanity. How many congressmen, congressional staffers, or prospective politicians from the ranks of today's professional classes would brook such a trade-off?

If Gorge legislation comes to pass, it must be preceded by an economic study of the subsequent impacts on human life in the Gorge. It is right and proper to assess the environmental impacts of a new dam (would that the federal government had learned that lesson before it destroyed Celilo Falls). Also, the ability of the federal government to legislate the Gorge is contradictory. The perfect example is contemplating Hanford as the site for our national nuclear waste. Hanford is located four miles from the Columbia River, the second largest river in the U.S.A. Studies have indicated it is already leaching into the Columbia River. Adverse publicity on contamination of the river will further erode the economy of the residents of the Columbia River Gorge, as well as the State of Washington. If this is the case, is it not also right and proper to assess the impact on humanity of legislation which would be at best experimental? This would, after all, be the first National Scenic Area established and the first national nuclear repository.

The development corporation itself must be guaranteed, not subject to the political compromises bound to alter the substance of a final bill. Nor can it be subject to the whims of bureaucracy once established. Nor should bureaucrats be allowed final say on proceedings in the Gorge if legislation is enacted. If a Gorge Commission be established, let it have the mandate, and let its rolls be dominated by local representatives. We would be able to vote out incompetent local legislators. We do not have this privilege with federal legislators. Let it be empowered to assist all non-destructive developments, not only those tourism-related functions which sound quaint to outsiders. Our lumber industry is dying, our aluminum industry subject to the dubious machinations of the Bonneville Power Administration.

Finally, let someone, somewhere address the question of property tax losses to the counties should the federal government acquire large blocks of land. Politicians have told us tax losses will be offset by federal timber revenue sharing. Yet, shall they be, when the timber industry itself is threatened? If it again prospers, what timber shall be cut in a scenic viewshed? If it could be, what timber does Klickitat County have to offer? We are largely an arid county, with little marketable timber.

In truth, the federal government cannot promise any means to offset a decreased tax base. Those of us outside the SMA boundaries will end up paying a higher millage for port, school, hospital and fire protection districts to counter the government's immunity from taxation; many of us will be forced to sell out and leave due to the increased tax burden. But the same land-use regulations which will apply within the Scenic Area boundaries will not protect land outside those borders from the speculators and subdividers who will flock in, destroying valuable farm and timber lands.

We disagree with those who suggest that Gorge legislation will depopulate the Gorge. The population here will increase but the demographics will change; only the rich will be able to afford land adjacent to the Gorge, while those within the Scenic Area boundaries will be subject to the intertwined maze of red tape which only a bureaucracy can engender.

We wish the issue in the Gorge were simply one of development versus environment. It would be easier to choose sides, since we share the environmental ethic. The issue at hand, however, is the same which lay between Abe Lincoln and Robert E. Lee. Slavery was not the real concern behind the Civil War, and environment is not the real issue here. Those rumblings we hear of secession in Skamania County are not coincidental, and only a heartfelt look at the problems and concerns of Gorge residents on the part of our national lawmakers will dampen this trend. If the lawmakers fail to listen, or if their laws fail to address the needs of local residents, then a secession will indeed occur--albeit not a violent one as occurred during the Confederacy; obviously, the counties of the Columbia Gorge and the states of the Old South cannot be equated to such an extent. Rather, the secession will be inward, as a people deprived of self-respect seek solace in despair itself. We already see a vast reliance on drugs and alcohol, extensive family breakdown, extensive neglect of children and of the old; these will increase as our people lose the will to better their lot. This, the loss of basic human dignity, is the ultimate secession.

It will be a crime if the federal government, in its laudable efforts to safeguard the environment, forgets that there is a human environment here as well. Gorge residents, as individuals, have occasionally been lax in their treatment of their native surrounds. Thus, the need for better land-use control. The federal government, however, represents all individuals, and its neglect of human environment is far more difficult to control. Once neglect occurs on that large a scale, with that irresistible an impetus, it is irreversible. Those who would legislate regional land-use controls face a greater challenge than they may realize. Unless they approach it with a thorough understanding of the issues involved, and even a little trepidation of the results, they will surely fail that challenge.

Respectfully submitted,

KLICKITAT COUNTY PORT DISTRICT
Board of Commissioners

William M. Hamm, President

Michael S. Mansfield, Vice Pres.

Betty Thompson

Betty Thompson, Secretary

RESOLUTION NO. 1986-1-131

A RESOLUTION OPPOSING A NATIONAL PARK IN THE COLUMBIA RIVER GORGE

Whereas, there is legislation pending before the Congress of the United States to establish Federal control over private land situated in the Columbia River Gorge and;

Whereas, such legislation is not in the best interests of the City of White Salmon, Washington.

NOW THEREFORE, IT IS HEREBY RESOLVED THAT:

The City Council of the City of White Salmon, Washington, opposes the establishment of a National Park in the Columbia River Gorge.

Passed by the City Council of White Salmon, Washington, this 4th day of June, 1986.

Francis H. Gaddis
Mayor of the City of White Salmon

Attest:

Jessie H. Holliston
Clerk of the City of White Salmon

Approved as to form:

Attorney for the City of White Salmon

CITY OF BINGEN

RESOLUTION NO. 86-02-356

RESOLUTION OPPOSING FEDERAL CONTROL OF THE COLUMBIA RIVER GORGE.

WHEREAS, The U. S. Congress is presently considering enactment of legislation which effectively places the Gorge under Federal control;

WHEREAS, Bingen, Washington is located in the Columbia River Gorge;

WHEREAS, The Citizens of Bingen maintain a respect for the environment in which their homes are located and their enviromental laws;

WHEREAS, The Citizens of Bingen right to self determination would be ended by Federal Gorge Legislation, as well as the property rights of other municipalities.

BE IT HEREBY RESOLVED that the Bingen City Council oppose any Federal Control of the Columbia River Gorge.

DATED THIS 3rd DAY OF JUNE 1986.

Charles B. Long
Charles B. Long Mayor

ATTEST:
Verna M Haney
Verna M. Haney, City Clerk

APPROVED AS TO FORM:

William J. Eling, Attorney

Senator EVANS. Everyone's full statement will be included in the record, and that is where we have the opportunity to sit back and analyze and to really try to translate all of the things that people have brought to us into changes and modifications in legislation, or if we are so persuaded to decide that legislation is not needed at all. So every word that was both in your written and oral testimony certainly will be in front of us.

Ms. THOMPSON. May I just say this, Senator?

Senator EVANS. Yes, certainly.

Ms. THOMPSON. I believe very strongly in this. Might does not make right always, and big is not always better. I wish you would really read our testimony in its entirety.

Thank you.

Senator EVANS. We certainly will. I had a rewarding experience some months ago now in Stevenson, listening to testimony from 9 in the morning until 11:30 at night, and it was exceedingly valuable and I think has led to at least some changes and modifications. This day's testimony will help as well.

Mr. Cannard, you exhorted us to get together and to come up with legislation, but you did not include in your testimony any specific legislative changes that you thought were important and necessary. Do you have any?

Mr. CANNARD. We have three, and I believe Representative Joe King referred to them, and Jean Grattet also.

Senator EVANS. Fine. Let me turn, then to Ms. Grattet. Do you as a city councilperson have discretion?

Ms. GRATTET. Sir, I am not a member of the city council. I am simply representing the mayor and the city council. I am a resident of Vancouver.

Senator EVANS. That is unfortunate.

Ms. GRATTET. Not really. [Laughter.]

Senator EVANS. I will wait until I catch somebody here that is in that position, because it seems to me that it is quite clear that at all levels of government those who are entrusted with the responsibility of management as elected or appointed officials all have a certain amount of discretion; otherwise, we would have a terribly rigid framework of government to deal with.

I am not sure it is fair then to ask you about some of the specific proposals of the city council, but this is included repetitively, a nine-vote override requirement by the commission to assure that the U.S. Forest Service input is more than advisory.

It seems to me that even if the override is the same requirement as the first passage that it comes under considerably different circumstances; that people can take an action and then when reminded through the course of review that there are certain things that ought to be changed, I do not think there is any question that they will approach the second time around considerably differently than the first time.

I would suspect that in Vancouver, like other cities, the city council can initiate and pass certain legislation, even though the amount required to override a mayor's veto is higher than the initial, it is the framework within which you look at that legislation the second time around that is really important.

Do you believe the city would be just as happy with a two-thirds override if there was a simple majority for original passage of the plan?

Ms. **Grattet**. Senator, I do not feel comfortable representing the city in that way.

Senator **Evans**. We may ask the city if they would like to contribute to that.

Representative King, you are on the same line. What about that? You heard me ask the representative from Oregon what their override requirements are. I know what ours are. They used them often enough in the State of Washington. I am not aware of any place where you require a 75-percent override. It seems excessive to me.

Mr. **King**. It depends on where I am sitting. If I am a legislator, I want a very easy override. I want to be able to override the Governor. If I am the Governor, I am going to want a tougher override.

I am not sure there is a different standard. We have looked at legislative overrides in Olympia. I look at about the same set of facts. I have a different part that is taking a different action, but I look at about the same set of facts I have before me when I cast my original vote. If I cast a vote for a bill that is subsequently overriden by the Governor, I am likely to cast my vote for the override because I am presented the same situation there.

Yet, if I were on that commission I would like lots of latitude. As a legislator setting up a commission, I have given them latitude, or you have given them latitude by allowing them to draft a plan.

I think the critical issue is that then you would ask that commission to make sure that that plan is enforced. That was the point that I really raised. The whole enforcement power is there.

Senator **Evans**. Would you be satisfied with a simple majority to adopt a plan on a two-thirds vote to override the objections of the Secretary?

Mr. **King**. I would have to go back and look at the makeup of the commission and who is appointed there to answer that quickly, Senator. I would like to see "shall" rather than "may" when it comes to enforcement.

Senator **Evans**. You do not believe in any discretion in terms of management?

Mr. **King**. I have a lot of discretion as a lawmaker when I make a law. I do not want any discretion as to how that law is enforced. I want unanimity out, out there. I want the public to know that, as that law or regulation is passed, it will be enforced and it will be enforced uniformly. As a lawmaker, I do not say, all right, pass that law but in this case I do not think we will go ahead and press for that.

Senator **Evans**. If you were writing a law for an administrator, then you want it to be specific. You do not want to leave discretion to that administrator to interpret or do anything. Would then you be opposed to language that might say "the adminstration shall be in accordance with the laws, rules and regulations in such manner as in his judgment will best contribute to the attainment of the purposes set forth"?

Mr. **King**. Senator, I would have to look at that language. To give an answer at this point, I just cannot do it. Anything that strengthens the language, make sure that the plan is enforced, that the commission as designed may be supportive of.

Senator EVANS. Let me read it again and see if you think that this has discretion connected with it.

"The administration shall be in accordance with the laws, rules, and regulations in such manner as in his judgment will best contribute to the attainment of the purposes." Would you call that "may" or "shall"?

Dave, would you like to comment on that?

Mr. CANNARD. Would you mind, Senator?

Senator EVANS. No. I am looking for information and for where people stand.

Mr. CANNARD. I respectfully suggest that there will be two people following, which will be Gail Achterman of Stoel, Rives & Boley, and Borden Beck, who are intimately involved in land use law and could respond to that sort of thing.

Our concern and the advice in the discussions we have had has had to do with whether or not even a citizens group can take exception to a discretionary approach to enforcement; that, in fact, if it is discretionary, then you cannot come back and question their discretion, and that has been the advice that we have received and that we are concerned about.

I think on the eight-member vote, one of the things that I have been involved in dicussions with people—and that changes the subject a tad—is the concern that you have two States, and if you have a simple majority, all it takes is one State plus one vote to control the land use, so the simple majority of seven votes is a bit of a problem.

If in fact you have a dual majority which gives protection against one State controlling, then in fact you have eight votes, which is the majority, which also happens to be two-thirds of the vote.

The concern of those who have raised that issue is that when you come back at least you ought to be able to get one more vote to override the U.S. Forest Service. I think that is the rationale that has gone into that. So the simple majority of a city council representing a city is probably a little different than a simple majority of a bistate commission which represents two States.

Senator EVANS. What if you say that the original plan must be adopted with the votes of at least half of the members of each State in a simple majority? That could be as little as seven votes.

Mr. KING. I hear what you are saying. Let me think about that, because that is what has been before us. I will respond to that.

Is that with a nine vote override, then, or with an eight vote?

Senator EVANS. No, with an eight vote override. You asked for one additional vote override, and I am just saying what about seven and eight rather than eight and nine.

Mr. KING. I think we are making progress backwards here, Senator.

Senator EVANS. I guess that somebody will have to show me any other place where you require a 75-percent override, and then I will be more inclined to listen to it.

Mr. CANNARD. It is the dual majority as opposed to that.

Senator EVANS. I could give you an out on a dual majority.

Thank you all very much. We will be forced to recess at this moment. Both caucuses on Tuesday have important caucus luncheons, so we will not be able to proceed ahead. I will come back early from the caucus luncheon after we get our orders on tax reform.

We will resume the hearing at 1:30 this afternoon. We stand in recess.

[Whereupon, at 12:05 p.m. the hearing recessed, to reconvene at 1:30 p.m. this same day.]

AFTERNOON SESSION

Senator **Evans**. This hearing will please come back to order, and let me first apologize for being a little late. When the majority leader is speaking and the Vice President is sitting right beside him, you wait until they are done, and you have got your appropriate orders.

We are now at panel No. 9, Ms. Linda Lethlean, county assessor, Skamania County, WA; Ms. Wilma Cornwall, county treasurer, Skamania County; Mr. William Benson, chairman of the board of county commissioners of Skamania County; Mr. Ed Callahan, Skamania County commissioner, Mr. Bob Leick, Skamania County; Mr. Al McKee, Port of Skamania County; Mr. Russell Grattan, attorney for the Port of Skamania County and Skamania County Public Utility District.

Also, will panel 10 come up and sit in the front, Mr. Chuck Williams, Mr. Dennis White, Ms. Susan Cady, Mr. Brock Evans, Ms. Lynn Herring, and Mr. Andy Kerr. They are on deck.

All right, with that, Ms. Lethlean, please go ahead.

STATEMENT OF LINDA L. LETHLEAN, ASSESSOR, SKAMANIA COUNTY, STEVENSON, WA

Ms. **Lethlean**. Thank you, Senator.

Skamania County has 40,000 acres of the proposed special management area. Also, we have 29,500 acres which will be within the Columbia Gorge Commission. These figures do not include the acreage lying within the urban areas. Of this 69,500 acres is nearly 50 percent of our totally owned private lands. As you know, nothing remains static. It only gets worse or better. If this legislation is passed, it will not leave a very large land base with which to work to have the economy and county grow.

The established real property taxable valuation for the gorge area within Skamania is $19 million in the special management area and $50 million in the national scenic area, for a total of $69 million. This is again outside of the urban areas. This total, due to different Washington State legislative statutes, provides taxing relief to different types of property, and is by no means the full market value.

Estimating what the full market value would be if no exceptions were applied, a more realistic valuation within the proposed boundary would be $99 million for the special management area and $120 million for the national scenic area. This totals to $219 million for the entire area. Even if I average the $69 million, which is on the tax roles, and an educated estimate of $219 million, we would arrive at $144 million in Skamania County. Fifty-nine million of this is in the special management area. There have been only $35 to $40 million proposed for acquisition. What is going to happen when the money runs out and those citizens who wish to be acquired because they cannot do anything with their property are left holding an empty bag.

As the county assessor, my greatest concern is for the junior taxing districts, such as fire protection, emergency medical, et cetera. I have learned that at least three major timberland holders within our county would now like to trade all of their properties. I believe that between these 32,000 and 42,000 acres that are within the gorge boundaries, that would deplete our harvestable private timberland by 62 percent.

The excise tax on privately owned harvested timber is a major revenue source for our very taxing districts. In fact, property taxes and the private harvest tax are the only two sources of merit. Junior taxing districts do not receive any Federal moneys. Therefore moneys Skamania County would receive from any lands that were made part of the Gifford Pinchot National Forest would not at this time filter down to the small taxing districts.

If these districts were to suffer the loss of private harvest excise tax, the effects range from 5 percent to 20 percent to Skamania Fire District No. 5. I am not here to ask for revenue to support local services. I am here to ask you not to create a situation that does not need to be. If this legislation is passed, I would ask that any trade of timberland would have to be entirely within Skamania County, or that any revenue derived from lands going into Federal ownership would be dispersed to all taxing districts in a manner as would be equitable for all.

Thank you.

[The prepared statement of Ms. Lethlean follows:]

SKAMANIA COUNTY ASSESSOR

STEVENSON, WASHINGTON 98648

LINDA L. LETHLEAN
ASSESSOR

PHONE (509) 427-5141

June, 1986

Testimony To: Subcommittee on Public Lands
Reserved Water and Resources Conservation
Energy and Natural Resources Committee
United States Senate
Washington, D. C.

Testimony From: Linda L. Lethlean
Skamania County Assessor

As the Skamania County Assessor I have three major concerns relating to the proposed federal legislation concerning the Columbia River Gorge.

ONE: The proposed legislation has the most dramatic effects in Skamania County. Senate Bill 2055 states that 108,000 acres will be managed by the United States Forest Service with Draconian guidelines. Skamania County has 40,000 acres of the proposed Special Management Area. Of the rest of the acreage to be managed by a Columbia Gorge Commission, 29,500 acres are within our county. These figures do not include the acreage lying within urban areas. This means that the majority of private land to be managed through this legislation is owned by the citizens of Skamania County.

More importantly this 69,500 acres is nearly 50% of our totally owned private land within this county. As you know, nothing remains static. It only gets worse or better. If this legislation is passed, it will not leave a very large land base with which to work to have the economy and county grow.

The established real property taxable valuation for the Gorge area within Skamania is $19,000,000 in the Special Management area and $50,000,000 in the National Scenic area for a total of $69,000,000. This is again outside of the urban areas. This total due to different Washington State legislative statutes providing taxing relief to different types of property is by no means a full market value total. Estimating what the full market value would be if no exemptions were applied, a more realistic valuation within the proposed boundary would be $99,000,000 for the Special Management area and $120,000,000 for the National Scenic area. This totals to $219,000,000 for the entire area. By averaging the known amount of $69,000,000 and the educated estimate of $219,000,000, you would still arrive at $144,000,000 within Skamania County outside of urban areas. The Special Management area alone averages to $59,000.000.

There has been $35,000,000 to $40,000,000 proposed for acquistion. What is going to happen when the money runs out and those citizens who wish to be acquired because they cannot do anything with their property are left holding an empty bag.

TWO: There has been a mechanism stated for trading timber land parcels over forty acres for other federally owned properties. It is based on no improvements being apparent. We show on our records a number of parcels ranging from forty to two hundred acres of timber land that have a home. Does this preclude these owners from trading if they so desire. Are they to be penalized simply because they were able to manage the land and live on it too.

In the National Scenic area there are one hundred and eighty parcels of classified timber land. I see no protection mentioned as to their being able to harvest their trees or to trade either.

THREE: As the County Assessor my greatest concern is for the junior taxing districts such as fire protection districts, emergency medical district, etc.

I have learned that at least three major timber land holders within our county would now like to trade all of their properties to outside of Skamania County. These holdings are mostly outside of the proposed Gorge boundary. Between this 32,000 acres and the 42,000 acres of classified timber land within the inside of the proposed boundary, it would deplete our harvestable private timber land by 62%.

The excise tax on privately owned harvested timber is a major revenue source for our various taxing districts. In fact property taxes and the private harvest tax are the only two sources of merit. Junior taxing districts do not receive any federal monies. Therefore, monies Skamania County would receive from any lands that were made part of the Gifford Pinchot National Forest would at this time not filter down to these small taxing districts.

If these districts were to suffer the loss of the private harvest excise tax, the effects range from 5% to 20% elimination of total revenue.

Washington State laws provide limitations on property tax revenue. Chapter 84.55 of the Revised Code of Washington limits each regular taxing district to one hundred and six percent increase in tax revenue each year. R.C.W. 84.52.043 allows for a total regular tax levy rate of $9.15 per thousand dollars of valuation. Each district is also constricted with a maximum levy rate. All of these restrictions preclude the taxing district from simply raising more regular property tax to suppliment the loss from timber excise tax.

Example: Skamania County Fire District #5

Current Revenue:	Property Taxes	$13,437
	Timber Excise Tax	9,491
	Other Sources (fund raisers, etc)	3,636
	Total	$26,564
Possible:	Property Taxes	$14,243
	62% Loss of Timber Excise Tax	3,606
	Other Sources	3,636
	Total	$21,485

This creates a 20% loss of revenue. They will receive no federal money to make up the loss. There are other districts that would be hurt almost as drastically.

I am not here to ask for revenue to support local services. I am here to ask you not to create a situation that does not need to be.

If this legislation is passed, I would ask that any trade of timber land would have to be entirely within Skamania County or that any revenue derived from lands going into federal ownership would be dispursed to all taxing districts in such a manner as would be equitable for all.

Thank you for your time and I sincerely hope that each of you will realize this is an extremely important issue to 40,000 of your fellow American citizens living within the proposed Columbia Gorge boundary.

DEFINITIONS

RCW REVISED CODE OF WASHINGTON

84.48.010
Title - 84 RCW
Chapter- 84.48 RCW
Section- RCW 84.48.010

WAC WASHINGTON ADMINISTRATIVE CODE

458-14-060
Title - 458
Chapter- 458-14
Rule - 458-14-060

Some state agencies have the authority to adopt rules. WACs are the interpretations of the laws which sometimes set forth procedures for administrating the law.

PTB PROPERTY TAX BULLETIN

82-4
82 - Year issued
4 - Fourth bulletin issued during the 1982 year.

Issued to clarify or interpret a law. Setup a procedure. Prioritize construction of laws, AGO and Rules.

AGO ATTORNEY GENERAL OPINION

1982-1

1. Inquiry goes to one Attorney General who writes an opinion.
2. This then goes before a committee of AGs.
3. Final agreement

AGLO ATTORNEY GENERAL LETTER OPINION

Attorney General personnel issues the opinion which does not go through an attorney general review board.

All bills passed in any legislative session are signed by Governor and then are routed to Code Reviser who gives them a chapter number, and you then see Chapter 96 - Laws of 1982.

The bills are then codified: 84.36.010

TERMINOLOGY AND DEFINITIONS

LEVY - (WEBSTER) 1. AN IMPOSING AND COLLECTING OF A TAX OR OTHER PAYMENT 2. AN AMOUNT LEVIED: TAX ETC.

LEVY RATE - IS EXPRESSED IN DOLLARS PER THOUSAND DOLLARS OF ASSESSED VALUE. THE LEVY RATE IS ARRIVED AT BY DIVIDING THE LEVY BY THE ASSESSED VALUE OF THE TAXING DISTRICT.

REGULAR LEVIES ARE THOSE WHICH ARE AUTHORIZED WITHOUT VOTER APPROVAL. EXCEPTIONS ARE THE EMERGENCY MEDICAL SERVICE AND THE PORT INDUSTRIAL DEVELOPMENT LEVIES.

SPECIAL LEVIES ARE THOSE WHICH ARE IN "EXCESS" OF THE REGULAR LEVY AND REQUIRE VOTER APPROVAL.

THE 106% LEVY LIMIT LIMITS THE GROWTH IN A TAXING DISTRICT'S PROPERTY TAX TO 6% OF THE HIGHEST LAWFUL LEVY FOR THE PAST THREE YEARS PLUS AN ADJUSTMENT FOR NEW CONSTRUCTION AND ANY INCREASE IN VALUE FROM STATE-ASSESSED PROPERTY FOR THE PRECEDING YEAR.

THE 1% CONSTITUTIONAL LIMIT PROVIDES THAT ALL TAXES LEVIED ON REAL AND PERSONAL PROPERTY BY THE STATE AND TAXING DISTRICTS SHALL NOT EXCEED 1% OF THE VALUE.

THE $9.15 LIMIT REDUCES FURTHER THE 1% CONSTITUTIONAL LIMIT, THE REGULAR PROPERTY TAX SHALL NOT EXCEED NINE DOLLARS AND FIFETEEN CENTS PER THOUSAND DOLLARS OF ASSESSED VALUE.

TAXING DISTRICT IS ANY POLITICAL SUBDIVISION, MUNICIPAL CORPORATION DISTRICT, OR OTHER GOVERNMENTAL AGENCY AUTHORIZED BY LAW TO HAVE A PROPERTY TAX LEVY.

LIMITATION OF INDEBTEDNESS ON VALUE RCW 36.39.020

	W/O VOTE	W/ 3/5 VOTE
EXCEPT AS OTHERWISE PROVIDED	3/8 OF 1%	
COUNTIES, CITIES, TOWNS, AND PUBLIC HOSPITAL DISTRICTS (TOTAL OF)	3/4 OF 1%	2½%
SCHOOL DISTRICTS	3/8 OF 1%	2½%
CITY OR TOWN (ADDITIONAL) PROVIDED OWNED AND CONTROLLED FOR WATER, ARTIFICIAL LIGHT, AND SEWERS		2½%
CITY OR TOWN (ADDITIONAL) FOR ACQUIRING OR DEVELOPING OPEN SPACE AND PARK FACILITIES		2½%
SCHOOL DISTRICT (NOT TO EXCEED) FOR CAPITAL OUTLAY		2½%

39.36.020 Limitation of indebtedness prescribed. (1) Except as otherwise expressly provided by law or in subsections (2), (3) and (4) of this section, no taxing district shall for any purpose become indebted in any manner to an amount exceeding three-eighths of one percent of the value of the taxable property in such taxing district without the assent of three-fifths of the voters therein voting at an election to be held for that purpose, nor in cases requiring such assent shall the total indebtedness incurred at any time exceed one and one-fourth percent on the value of the taxable property therein.

(2) Counties, cities, towns, and public hospital districts are limited to an indebtedness amount not exceeding three-fourths of one percent of the value of the taxable property in such counties, cities, towns, or public hospital districts without the assent of three-fifths of the voters therein voting at an election held for that purpose. In cases requiring such assent counties, cities, towns, and public hospital districts are limited to a total indebtedness of two and one-half percent of the value of the taxable property therein.

(3) School districts are limited to an indebtedness amount not exceeding three-eighths of one percent of the value of the taxable property in such district without the assent of three-fifths of the voters therein voting at an election held for that purpose. In cases requiring such assent school districts are limited to a total indebtedness of two and one-half percent of the value of the taxable property therein.

(4) No part of the indebtedness allowed in this chapter shall be incurred for any purpose other than strictly county, city, town, school district, township, port district, metropolitan park district, or other municipal purposes: *Provided*, That a city or town, with such assent, may become indebted to a larger amount, but not exceeding two and one-half percent additional, determined as herein provided, for supplying such city or town with water, artificial light, and sewers, when the works for supplying such water, light, and sewers shall be owned and controlled by the city or town; and a city or town, with such assent, may become indebted to a larger amount, but not exceeding two and one-half percent additional for acquiring or developing open space and park facilities: *Provided further*, That any school district may become indebted to a larger amount but not exceeding two and one-half percent additional for capital outlays.

(5) Such indebtedness may be authorized in any total amount in one or more propositions and the amount of such authorization may exceed the amount of indebtedness which could then lawfully be incurred. Such indebtedness may be incurred in one or more series of bonds from time to time out of such authorization but at no time shall the total general indebtedness of any taxing district exceed the above limitation.

The term "value of the taxable property" as used in this section shall have the meaning set forth in RCW 39.36.015. [1971 ex.s. c 218 § 1; 1971 c 38 § 1; 1970 ex.s. c 42 § 27; 1969 c 142 § 3; 1967 c 107 § 4; 1959 c 227 § 1; 1953 c 163 § 2; 1917 c 143 § 1; RRS § 5605.]

A CONSOLIDATED LEVY RATE IS ARRIVED AT BY TOTALING ALL LEVY RATES WITHIN A TAX CODE AREA. EXAMPLE:

INSIDE CITY	
COUNTY CURRENT EXPENSE	$1.75
STATE SCHOOL	3.20
CITY	3.55
METRO PARK	.37
CONSOLIDATED LEVY RATE	$8.87

LEVY RATES ARE EXPESSED IN DOLLARS PER THOUSAND DOLLARS OF ASSESSED VALUE.

BOND - CERTIFICATE OF DEBT ON WHICH INTEREST IS PAID.

COUPON WARRANT - COUPONS FOR PAYMENT OF INTEREST ON BONDS DRAWN UPON CURRENT EXPENSE FUNDS.

TAXING DISTRICTS - MEANS COUNTIES, CITIES, TOWNS, TOWNSHIPS, PORT DISTRICTS, SCHOOL DISTRICTS, METROPOLITAN PARK DISTRICTS, OR OTHER MUNICIPAL CORPORATIONS.

SENIOR CITIZENS AND DISABLED PERSONS EXEMPTION FOR 1984 TAX COLLECTIONS APPLIES TO THE RESIDENCES OF THE PERSONS QUALIFIED UNDER RCW 84.36.381. THOSE WITH DISPOSABLE INCOME OF $15,000 OR LESS SHALL BE EXEMPT FROM ALL EXCESS LEVIES AND THOSE WITH DISPOSABLE INCOME OF $12,000 OR LESS HAVE A FURTHER EXEMPTION ON REGULAR LEVIES UP TO $20,000 OF THE VALUE OF THE RESIDENCE.

LIMITATION UPON REGULAR PROPERTY TAX LEVIES

INSIDE CITIES & TOWNS

STATE	$3.60
COUNTY	1.80
CITY	3.60
JUNIOR DISTRICTS	0.15
TOTAL AUTHORIZED	$9.15

OUTSIDE CITIES & TOWNS

STATE	$3.60
COUNTY	1.80
ROADS	2.25
JUNIOR DISTRICTS	1.50
TOTAL AUTHORIZED	$9.15

Senator EVANS. Thank you very much.

Ms. Wilma Cornwall, county treasurer

STATEMENT OF WILMA J. CORNWALL, TREASURER, SKAMANIA COUNTY, STEVENSON, WA

Ms. CORNWALL. Senator Evans, I appreciate the opportunity to testify at this hearing. As Skamania County treasurer, my interest is how this proposed legislation will affect the revenue to Skamania County. Section 3(b), the purposes of this Act are, to protect the economy of the Columbia Gorge. Senate Bill 2055, section 9(c)(2) allows private land within Skamania County to be exchanged for Federal land in Washington and Oregon. Of the 120,000 acres of privately owned timberland in timber programs in Skamania County, 42,000 acres in the proposed boundary and 32,000 acres outside the proposed boundary would surely be traded, a total of 74,000 acres or 62 percent.

These 74,000 acres would become part of the Gifford Pinchot National Forest. If these lands are exchanged out of county, the increase in Federal forest funds for the exchange of lands will not offset the revenue loss from the private harvest tax, a 4-percent tax on the harvested timber on private land. In 1985, the private harvest tax to Skamania County was $982,000.

If 62 percent of the private timberland were to be exchanged out of county, the county would lose 60 percent or $609,000. Current expense and road together would lose $265,400, and the other taxing districts would lose $343,600. The increase of Gifford Pinchot National Forest acres due to land exchanges out of the county would increase the Federal forest fund payments as follows. I will not go into all those figures.

The increase due to the additional acreage would be $157,139. PILT payments to Skamania County based on 805,744 acres at 10 cents per acre is $80,574. Additional 74,000 acres at 10 cents per acre would be an increase of $7,400. Total Federal forest fund revenue increase of $157,139 plus the PILT payment increase of $7,400 would be a total increase of $164,539, with the loss of private harvest tax $609,000.

PILT payments under, title 31, United States Code section 6901 to Skamania County have been fully funded just once since 1979. Lack of appropriations. The total payment in 1965 should have been $80,574, but was funded 97.11 percent due to lack of funds. Payment in lieu of tax for national wildlife refuge systems, title 16 United States Code, chapter 715(s) has been fully funded just once since 1980. Lack of appropriations. The total payment to Skamania County should have been $11,816, was funded 64 percent. The land exchanged from—I will skip that.

This proposed legislation promises many things. The revenue loss will be disastrous for Skamania County. When there are not funds available to fully fund an $80,000 and an $11,000 payment due to Skamania County, it is difficult to believe there will be funds as stated in this proposed legislation.

Thank you.

[The prepared statement of Ms. Cornwall follows:]

SKAMANIA COUNTY TREASURER
WILMA J. CORNWALL

P. O. BOX 790
STEVENSON, WASHINGTON 98648

PHONE 509-427-5141
EXT. 210

June, 1986

Testimony To: Subcommittee on Public Lands
Reserved Water and Resources Conservation
Energy and Natural Resources Committee
United States Senate
Washington, D.C.

Testimony From: Wilma J. Cornwall
Skamania County Treasurer

I appreciate the opportunity to testify at this hearing. As Skamania County Treasurer, my interest is how this proposed legislation will effect the revenue to Skamania County.

Section 3.(b) The purposes of this Act are (5) to protect the economy of the Columbia Gorge and (8) to support and enhance the economic livelihood of residents of the Columbia Gorge. The following sections proceed to say how this will be accomplished.

Section 9. (b) Lands within the State of Washington acquired by the Secretary pursuant to this section shall become part of the Gifford Pinchot National Forest. Section 14 (b)(1) The amount which is paid under 16 USC 500 (Federal Forest Funds) to the State of Washington with respect to the Special Management Area within the Gifford Pinchot National Forest shall be expended for the benefit of any public purposes of any county which has adopted implementation measures pursuant to this Act.

Of the 120,000 acres of privately owned timberland in Skamania County, 42,000 acres are in the proposed boundary and 32,000 acres are outside of the proposed boundary. A total of 74,000 acres and 62% of the total privately owned timberland in Skamania County. These acres would probably be traded and from what I am hearing the large timber companies would like to trade out of county. These 74,000 acres would become part of the Gifford Pinchot National Forest. Any revenue from the acres in the Special Management Areas would go to the county and not be split 50/50 with the schools per section 14 (b)(1). The revenue could be spent by the county for any public purpose.

The increase in Federal Forest Funds per the exchange of lands will not offset the revenue loss from the Private Harvest Tax. A 4% tax on the harvest of timber on private land.

In 1985, the Private Harvest Tax was $982,000. If 62% of the private timberland were to be exchanged, the county would loose 62% of the Private Harvest Tax or $609,00. Current Expense and County Road together would loose $265,400 and the other taxing districts would loose $343,600.

The increase of Gifford Pinchot National Forest acres due to land exchanges out of county would increase the Federal Forest Fund payments as follows based on 1985:

Total Gifford Pinchot acres	1,253,585
Gifford Pinchot acres in Skamania County (65%)	815,158
Total Revenue Gifford Pinchot	$7,856,981
Revenue Gifford Pinchot in Skamania County (65%)	$5,107,038
AFTER PROPOSED LEGISLATION:	
Total Gifford Pinchot acres	1,327,585
Gifford Pinchot acres in Skamania County (67%)	889,158
Total Revenue Gifford Pinchot (same)	$7,856,981
Revenue Gifford Pinchot in Skamania County (67%)	$5,264,177
Increase of Revenue to Skamania County due to additional 74,000 a..	$ 157,139

PILT payments to Skamania County based on 805,744 acres at 10¢ per acre is $80,574. Additional 74,000 acres at 10¢ per acre would be an increase of $7,400.

Total Federal Forest Fund revenue increase of $157,139 plus PILT payment increase of $7,400 would be a total increase of $164,539 with a loss of Private Harvest Tax of $609,000.

Sections 5,6,11, and 14 refer to construction of recreation areas, financial and technical assistance, loans made by the Secretary to the Columbia Gorge Development Corporation and grants to the State of Washington. These projects will take millions of dollars. Where will they come from? How do we, the people of Skamania County know that these monies will be appropriated?

PILT payments under 31 USC § 6901 to Skamania County have been fully funded just once since 1979. LACK OF APPROPRIATIONS. The total payment of 1985 should have been $80,574 but was funded just 97.11% due to lack of funds for a total payment received of $78,245. See attached copies.

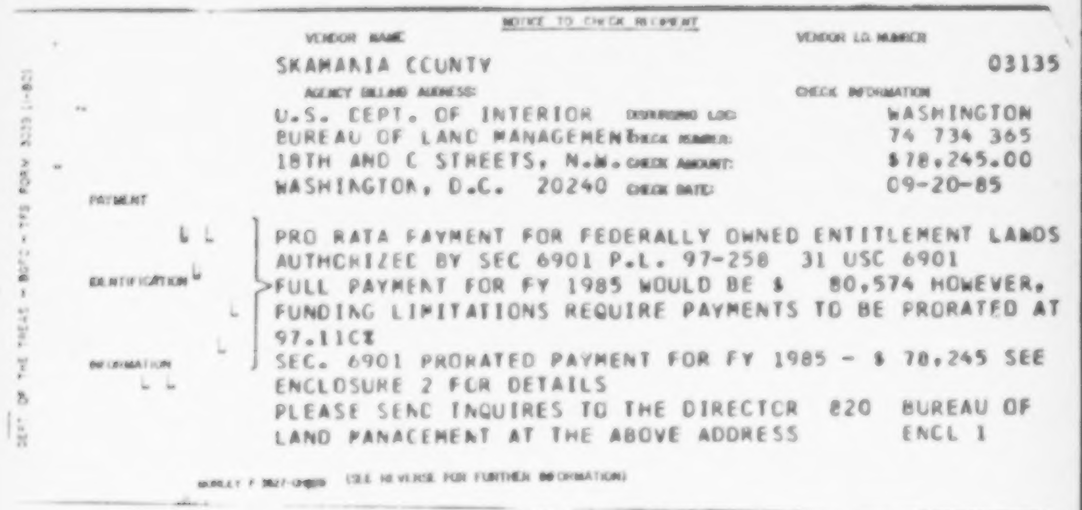
Payment-in-Lieu-of-Tax from National Wildlife Refuge Sustem 16 USC § 715s has been fully funded just once since 1980. LACK OF APPROPRIATIONS. The total payment to Skamania County should have been $11,816 but was funded just 64% for a total payment of $7,605. See attached copies.

The land exchange from private to Gifford Pinchot (Mt. St. Helen's National Monument Legislation) resulted in a net Gifford Pinchot agreage gain of over 20,000 acres per a letter from Senator Gorton to Skamania County Commissioner Ed Callahan dated June 18, 1984. The Gifford Pinchot acres in Skamania County have increased only 2,757 acres since 1982 on the National Forest Summary report. See attached copy. These figures do not reflect the 20,000 plus acreage gain. Why don't they?

This proposed legislation promises many things. The revenue loss will be disasterous for Skamania County. When there is no money available to fully fund an $80,000 payment to Skamania County and no money to fully fund an $11,000 payment to Skamania County, it is difficult to believe that there will be the funds as stated in this proposed legislation.

It is my recommendation as Skamania County Treasurer that you withdraw this proposed legislation and let the Columbia Gorge and Skamania County get on with the business of running our county.

Thank you for letting me take your time to give my testimony.



NOTICE TO CHECK RECIPIENT

VENDOR NAME
SKAMANIA CCUNTY

VENDOR I.D. NUMBER
03135

AGENCY BILLING ADDRESS:
U.S. CEPT. OF INTERIOR
BUREAU OF LAND MANAGEMENT
18TH AND C STREETS, N.W.
WASHINGTON, D.C. 20240

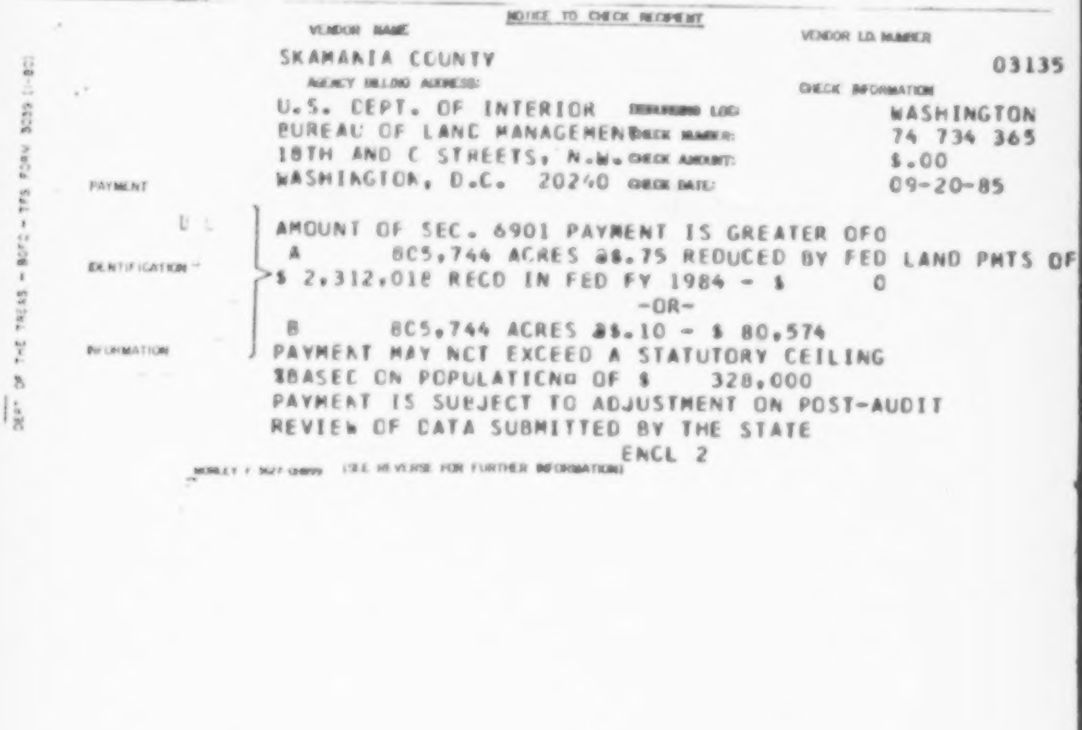
CHECK INFORMATION
DISBURSING LOC: WASHINGTON
CHECK NUMBER: 74 734 365
CHECK AMOUNT: $78,245.00
CHECK DATE: 09-20-85

PAYMENT IDENTIFICATION INFORMATION

PRO RATA FAYMENT FOR FEDERALLY OWNED ENTITLEMENT LANDS
AUTHCHIZEC BY SEC 6901 P.L. 97-258 31 USC 6901
FULL PAYMENT FOR FY 1985 WOULD BE $ 80,574 HOWEVER,
FUNDING LIMITATIONS REQUIRE PAYMENTS TO BE PRORATED AT
97.11C%
SEC. 6901 PRORATED PAYMENT FOR FY 1985 - $ 78,245 SEE
ENCLOSURE 2 FOR DETAILS
PLEASE SENC INQUIRES TO THE DIRECTCR 820 BUREAU OF
LAND MANACEMENT AT THE ABOVE ADDRESS ENCL 1

DEPT OF THE TREAS - BGFO - TFS FORM 3039 (1-80)

MOBLEY F 3627-(2489) (SEE REVERSE FOR FURTHER INFORMATION)



NOTICE TO CHECK RECIPIENT

VENDOR NAME
SKAMANIA COUNTY

VENDOR I.D. NUMBER
03135

AGENCY BILLING ADDRESS:
U.S. CEPT. OF INTERIOR
BUREAU OF LANC MANAGEMENT
18TH AND C STREETS, N.W.
WASHINGTON, D.C. 20240

CHECK INFORMATION
DISBURSING LOC: WASHINGTON
CHECK NUMBER: 74 734 365
CHECK AMOUNT: $.00
CHECK DATE: 09-20-85

PAYMENT IDENTIFICATION INFORMATION

AMOUNT OF SEC. 6901 PAYMENT IS GREATER OFO
A 8C5,744 ACRES @$.75 REDUCED BY FED LAND PMTS OF
$ 2,312,018 RECD IN FED FY 1984 - $ 0
-OR-
B 8C5,744 ACRES @$.10 - $ 80,574
PAYMENT MAY NCT EXCEED A STATUTORY CEILING
%BASEC ON POPULATICN OF $ 328,000
PAYMENT IS SUBJECT TO ADJUSTMENT ON POST-AUDIT
REVIEW OF DATA SUBMITTED BY THE STATE
ENCL 2

DEPT OF THE TREAS - BGFO - TFS FORM 3039 (1-80)

MOBLEY F 3627-(2489) (SEE REVERSE FOR FURTHER INFORMATION)

RCS: F610C01

U.S. FISH AND WILDLIFE SERVICE
FY 95 PAYMENTS TO COUNTIES
REFUGE REVENUE SHARING ACT AS AMENDED
ACT (16 U.S.C. 715 S)

RUN DATE: [illegible]
RUN TIME: 18:20
PAGE: 66

STATE/ COUNTY/ TOWNSHIP	FWS FACILITY	* * ACREAGE * * * RSV/RSRVE	FEE *	FEE LANDS APPRAISED/ ADJ COST $	FY 77 PYMT TO COUNTY $	.75% APPRSL/ ADJ COST $	$.75/ACRE FEE LANDS $	* 25% OF NET * RECEIPTS FEE $	RSRV * $	FY 95 PYMT TO COUNTY $	FIRST PAYMENT $	VARIANCE *
*WASHINGTON												
PACIFIC	WILLAPA	2059	9212	5100000	3399	38250	6909	0	0	38250	24621	
PEND OREILLE	LITTLE PEND OR	17	4	3650	0	27	3	0	0	27	17	
PIERCE	NISQUALLY	0	413	305000	330	2288	610	0	0	2288	1473	
SAN JUAN	SAN JUAN IS	370	0	0	0	0	0	0	0	0	0	
SKAGIT	SAN JUAN IS	4	0	0	0	0	0	0	0	0	0	
SKAMANIA	L WHITE SALMON	0	345	162000	0	1215	184	0	0	1215	782	
SKAMANIA	PIERCE	0	310	730000	0	5475	239	0	0	5475	3524	
SKAMANIA	SPRING CREEK	0	11	27425	0	270	8	4218	0	4218	2715	
SKAMANIA	WILLARD	0	90	121000	0	908	60	0	0	908	584	
SKAMANIA	COUNTY TOTAL	0	756	1040425	0	7607	491	4218	0	11816	7605	
SPOKANE	TURNBULL	0	14429	5000000	11181	37500	10867	424	0	37500	24138	
STEVENS	LITTLE PEND OR	3774	31205	29996350	14455	224973	23404	0	0	224973	144811	
THURSTON	NISQUALLY	0	1985	1900000	13325	14250	1489	460	0	14250	9172	
WAHKIAKUM	COLUMBIAN WTD	0	2021	2211000	15077	16583	1966	0	0	16583	10674	
WALLA WALLA	MCNARY	0	571	891500	1219	6686	428	0	0	6686	4304	
WHATCOM	SAN JUAN IS	3	0	0	0	0	0	0	0	0	0	
YAKIMA	TOPPENISH	0	1763	1967000	7130	14753	1322	72	0	14753	9496	
* WASHINGTON	TOTAL	22010	91793	66062833	112816	495474	68472	7426	0	499723	321660	

SLADE GORTON
WASHINGTON

[illegible]
COMMERCE SCIENCE AND TRANSPORTATION
BANKING HOUSING AND URBAN AFFAIRS
BUDGET
SMALL BUSINESS
INDIAN AFFAIRS

United States Senate

[illegible]

June 18, 1984

RECEIVED
JUN 21 1984
SKAMANIA COU
COMMISSIONE

THIS IS FOLLOW-UP ON
MY LETTER TO
GORTON/EVANS/
MORRISON, IN REFERENCE
TO PAYMENT FOR
MOUNT ST. HELENS
MONUMENT. ED CALLAHAN

Mr. Ed Callahan
Skamania County Commissioner
P.O. Box 437
Stevenson, Washington 98648

Dear Ed:

Enclosed is the information that the Forest Service provided to me in response to your request for legislation to reduce the impacts of the Mount St. Helens National Volcanic Monument designation on Skamania County.

You are correct in stating that because Mount St. Helens was designated as a National Monument rather than as a unit of the National Park System or National Wilderness Preservation System, Skamania County does not qualify for Section 3 payments under the payment-in-lieu-of-taxes (PILT) Act. While your request for legislation is reasonable and entirely appropriate, there are several reasons why I believe that Congress will not enact any legislation for the foreseeable future which amends the PILT program.

First, I understand that the 1976 debate on the PILT legislation was very contentious and that there are many Senators today, mainly Easterners, who would welcome another opportunity to modify the PILT payment formulas in the Act, particularly during these difficult budget times. Second, I was told that during the deliberations on the 1976 legislation, there was extensive debate on what lands should or should not be included in the legislation. As a result of that debate, the legislation was limited to those lands that are acquired by the federal government for addition to the National Park or National Wilderness Preservation System. Any attempt to expand the program, either by a separate bill or as an amendment to the Monument Act, to make the Monument qualify for PILT Section 3 payments would reopen the entire PILT debate. I understand that any attempt to make additional lands qualify for PILT would be opposed by Senator McClure, the Chairman of the Energy and Natural Resources Committee with jurisdiction over this program, the Administration, and many other Senators who are concerned about our country's budget deficits. Third, Skamania County has benefited from the land exchanges that occurred in the Monument legislation. These exchanges resulted in a net increase in National Forest Fund Receipts distribution to Skamania County. Fourth, you raise the issue in your letter that the existing legislation fails to compensate for total revenue loss. PILT was never intended to provide dollar-for-dollar compensation for all taxes foregone. Again, this issue reopens the entire PILT debate and I assure you that it would be a major legislative battle with potentially very significant budget implications.

Mr. Ed Callahan
Page Two
June 18, 1984

Based on these factors, there is no chance of successfully passing the legislation you have suggested. I am sorry that I cannot be more encouraging. I would like to mention, however, that I am actively working to get funding to complete the Mount St. Helens visitors center and to improve the roads, trails, campgrounds and viewpoints all around the Monument so that the tremendous visitor potential can be fully realized. The economic benefits to Southwest Washington, including Skamania County, will be greatly enhanced once these facilities are in place. Increased tourism to the Monument and the Columbia River Gorge area will also help to mitigate any tax losses the County suffered initially from the Monument designation. I hope this information is helpful to you.

Again, thank you for writing.

Sincerely,

SLADE GORTON
United States Senator

SG:cav
Enclosure

Information

There is no question that there were taxation related impacts on Skamania County as a result of the designation of Mt. St. Helens as a National Monument. I will try to detail the various items that were evaluated in the materials that were gathered for you.

Net differences or changes from the previous condition are included in the following table:

Description	Units	Before	After
Private Lands:			
Net Acreage	Acres	23,571	2,836
Land Assessed Values (fair market values)	Dollars	1,624,188	1,078,667
Average Tax Rate Used (rate per $1,000 of Assessed Values)	Rate	6.79642	8.41065
Taxes paid	Dollars	11,038	1,573

Calculation of impact on 25% fund payments from National Forest lands:

Acreage increase	Acres	20,735
NF Fund Rate/Acre of NFS 1983	Rate	5.58
NF Fund increase (based on acreage)	Dollars	117,775

Land exchanges between NF and private resulted in a net increase in National Forest System Lands.

Acres of National Forest System lands within the State of Washington in Skamania County resulted in a substantial increase in the total 25% NF Fund Receipts distribution, due to the exchanges with Weyerhauser and Burlington Northern.

Six counties receive receipts from the Gifford Pinchot NF in the State of Washington. Total receipts from FS lands in the Gifford Pinchot NF in 1983 equalled $5,870,362.50 of which Skamania county received 65% well over the $0.75 per acre under Payment in Lieu of Taxes (PILT) payments.

PAYMENTS TO STATES FROM NATIONAL FOREST RECEIPTS
FISCAL YEAR 1980
OCT 1,1979 THRU SEP 30,1980
--------COUNTY SUMMARY--------

ASP-10

STATE: WASHINGTON

COUNTY	TOWNSHIP	NATIONAL FOREST	ACRES	PAYMENT ACT OF 5/23/08	PAYMENT ACT OF 6/20/10	TOTAL PAYMENT	PAYMENT PER ACRE
		COUNTY TOTAL:	334,594*	1,437,231.43*		1,437,231.43*	4.30*
KITTITAS		SNOQUALMIE	55,288	237,486.78		237,486.78	4.30
		WENATCHEE	349,648	232,937.02		232,937.02	.67
		COUNTY TOTAL:	404,936*	470,423.80*		470,423.80*	1.16*
KLICKITAT		GIFFORD PINCHOT	9,016	70,544.96		70,544.96	7.82
		COUNTY TOTAL:	9,016*	70,544.96*		70,544.96*	7.82*
LEWIS		GIFFORD PINCHOT	370,039	2,895,340.26		2,895,340.26	7.82
		SNOQUALMIE	70,049	300,891.90		300,891.90	4.30
		COUNTY TOTAL:	440,088*	3,196,232.16*		3,196,232.16*	7.26*
MASON		OLYMPIC	164,696	936,908.04		936,908.04	5.69
		COUNTY TOTAL:	164,696*	936,908.04*		936,908.04*	5.69*
OKANOGAN		OKANOGAN	1,499,512	1,562,203.30		1,562,203.30	1.04
		COUNTY TOTAL:	1,499,512*	1,562,203.30*		1,562,203.30*	1.04*
PEND OREILLE		COLVILLE	258,896	382,008.99		382,008.99	1.48
		KANIKSU	256,601	238,168.17		238,168.17	.93
		COUNTY TOTAL:	515,497*	620,177.16*		620,177.16*	1.20*
PIERCE		SNOQUALMIE	129,938	558,142.04		558,142.04	4.30
		COUNTY TOTAL:	129,938*	558,142.04*		558,142.04*	4.30*
SKAGIT		MT. BAKER	518,021	1,140,870.71		1,140,870.71	2.20
		COUNTY TOTAL:	518,021*	1,140,870.71*		1,140,870.71*	2.20*
SKAMANIA		GIFFORD PINCHOT	812,401	6,356,565.99		6,356,565.99	7.82
		COUNTY TOTAL:	812,401*	6,356,565.99*		6,356,565.99*	7.82*
SNOHOMISH		MT. BAKER	461,948	1,017,377.56		1,017,377.56	2.20
		SNOQUALMIE	169,671	728,813.11		728,813.11	4.30
		COUNTY TOTAL:	631,619*	1,746,190.67*		1,746,190.67*	2.76*

2

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    RUN DATE: 05/26/82                                                                                            PAGE:   1
                                 ESTIMATED PAYMENTS TO STATES TO BE PAID IN FISCAL YEAR 1983
                                 BASED ON FISCAL YEAR 1982 ESTIMATED NATIONAL FOREST RECEIPTS
                                              OCT 1,1981 THRU SEP 30,1982                                         ASR-10
                                          ----NATIONAL FOREST SUMMARY----
   REGION: 06

                                                                                PAYMENT      PAYMENT                   PAYMENT
                                                                      FY-81     ACT OF       ACT OF          TOTAL       PER
 NATIONAL FOREST     STATE          COUNTY          DISTRICT          ACRES     5/23/08      6/20/10         PAYMENT     ACRE
 ---------------     -----          ------          --------          -----     -------      -------         -------    -------
 COLVILLE            WASHINGTON     FERRY               5           474,019   393,244.94                  393,244.94       .83
                                    PEND OREILLE        5           259,363   215,166.88                  215,166.88       .83
                                    STEVENS             5           211,052   175,088.19                  175,088.19       .83

                                            STATE TOTAL:            944,434*  783,500.01*                 783,500.01*      .83*

                                               NF TOTAL:            944,434** 783,500.01**                783,500.01**     .83**

 DESCHUTES           OREGON         DESCHUTES           2           979,178  2,190,760.17               2,190,760.17      2.24
                                    JEFFERSON           2           160,375   358,614.40                  358,614.40      2.24
                                    KLAMATH             2           290,462   649,864.05                  649,864.05      2.24
                                    LAKE                2           172,665   386,311.38                  386,311.38      2.24

                                            STATE TOTAL:          1,602,680* 3,585,750.00*              3,585,750.00*     2.24*

                                               NF TOTAL:          1,602,680** 3,585,750.00**            3,585,750.00**    2.24**

 FREMONT             OREGON         KLAMATH             2           340,944   987,715.26                  987,715.26      2.90
                                    LAKE                2           857,364  2,483,784.74               2,483,784.74      2.90

                                            STATE TOTAL:          1,198,308* 3,471,500.00*              3,471,500.00*     2.90*

                                               NF TOTAL:          1,198,308** 3,471,500.00**            3,471,500.00**    2.90**

 GIFFORD PINCHOT     WASHINGTON     CLARK               3             1,430    11,729.27                   11,729.27      8.20
                                    COWLITZ             3            20,402   167,343.08                  167,343.08      8.20
                                    KLICKITAT           4             9,016    73,951.83                   73,951.83      8.20
                                    LEWIS               3           370,039  3,035,166.47               3,035,166.47      8.20
                                    SKAMANIA            4           812,401  6,663,547.03               6,663,547.03      8.20
                                    YAKIMA              4            37,552   308,012.32                  308,012.32      8.20

                                            STATE TOTAL:          1,250,840* 10,259,750.00*            10,259,750.00*     8.20*

                                               NF TOTAL:          1,250,840** 10,259,750.00**          10,259,750.00**    8.20**

 MALHEUR             OREGON         BAKER               2            45,786    42,196.28                   42,196.28       .92
                                    GRANT               2         1,119,161  1,031,416.24               1,031,416.24       .92
                                    HARNEY              2           293,876   270,835.46                  270,835.46       .92
                                    MALHEUR             2               599       552.04                      552.04       .92

                                            STATE TOTAL:          1,459,422* 1,345,000.02*              1,345,000.02*      .92*

                                               NF TOTAL:          1,459,422** 1,345,000.02**            1,345,000.02**     .92**

 MT. BAKER           WASHINGTON     SKAGIT              2           518,021  1,068,437.63               1,068,437.63      2.06
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     RUN DATE: 06/10/83                                                                                                  PAGE:   1
                                      ESTIMATED PAYMENTS TO STATES TO BE PAID IN FISCAL YEAR 1984
                                      BASED ON FISCAL YEAR 1983 ESTIMATED NATIONAL FOREST RECEIPTS
                                                    OCT 1,1982 THRU SEP 30,1983                                          ASR-10
   REGION: 06                                      ----NATIONAL FOREST SUMMARY----

                                                                                  PAYMENT       PAYMENT                     PAYMENT
                                                                     FY-82        ACT OF        ACT OF          TOTAL       PER
NATIONAL FOREST   STATE        COUNTY          DISTRICT              ACRES        5/23/08       6/20/10         PAYMENT     ACRE
---------------   -----        ------          --------              -----        -------       -------         -------     -------
COLVILLE          WASHINGTON   FERRY               5               474,019      452,430.29                    452,430.29      .95
                               PEND OREILLE        5               259,708      247,879.87                    247,879.87      .95
                               STEVENS             5               211,052      201,439.85                    201,439.85      .95

                                           STATE TOTAL:            944,779*     901,750.01*                   901,750.01*     .95*

                                              NF TOTAL:            944,779**    901,750.01**                  901,750.01**    .95**

DESCHUTES         OREGON       DESCHUTES           2               979,123    2,436,332.26                  2,436,332.26     2.49
                               JEFFERSON           2               160,375      399,057.92                    399,057.92     2.49
                               KLAMATH             2               290,451      722,723.44                    722,723.44     2.49
                               LAKE                2               172,664      429,636.39                    429,636.39     2.49

                                           STATE TOTAL:          1,602,613*   3,987,750.01*                 3,987,750.01*    2.49*

                                              NF TOTAL:          1,602,613**  3,987,750.01**                3,987,750.01**   2.49**

FREMONT           OREGON       KLAMATH             2               340,944    1,076,334.62                  1,076,334.62     3.16
                               LAKE                2               857,374    2,706,665.38                  2,706,665.38     3.16

                                           STATE TOTAL:          1,198,318*   3,783,000.00*                 3,783,000.00*    3.16*

                                              NF TOTAL:          1,198,318**  3,783,000.00**                3,783,000.00**   3.16**

GIFFORD PINCHOT   WASHINGTON   CLARK               3                 1,150        9,178.74                      9,178.74     7.98
                               COWLITZ             3                20,664      164,930.03                    164,930.03     7.98
                               KLICKITAT           4                 9,016       71,961.34                     71,961.34     7.98
                               LEWIS               3               370,045    2,953,519.65                  2,953,519.65     7.98
                               SKAMANIA            4               814,468    6,500,688.40                  6,500,688.40     7.98
                               YAKIMA              4                37,552      299,721.85                    299,721.85     7.98

                                           STATE TOTAL:          1,252,895*  10,000,000.01*                10,000,000.01*    7.98*

                                              NF TOTAL:          1,252,895** 10,000,000.01**               10,000,000.01**   7.98**

MALHEUR           OREGON       BAKER               2                45,786       74,808.19                     74,808.19     1.63
                               GRANT               2             1,119,161    1,828,559.12                  1,828,559.12     1.63
                               HARNEY              2               293,876      480,154.01                    480,154.01     1.63
                               MALHEUR             2                   599          978.69                        978.69     1.63

                                           STATE TOTAL:          1,459,422*   2,384,500.01*                 2,384,500.01*    1.63*

                                              NF TOTAL:          1,459,422**  2,384,500.01**                2,384,500.01**   1.63**

MT. BAKER         WASHINGTON   SKAGIT              2               517,982      424,318.77                    424,318.77      .82
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RUN DATE: 09/30/85

PAGE: 1

ESTIMATED PAYMENTS TO STATES TO BE PAID IN FISCAL YEAR 1986
BASED ON FISCAL YEAR 1985 ESTIMATED NATIONAL FOREST RECEIPTS
OCT 1,1984 THRU SEP 30,1985

QTR: 1

ASR-10-2

--NATIONAL FOREST SUMMARY--

REGION: 06

NATIONAL FOREST	STATE	COUNTY	DISTRICT	FY-84 ACRES	PAYMENT ACT OF 5/23/08	PAYMENT ACT OF 6/22/48	TOTAL PAYMENT	PAYMENT PER ACRE
COLVILLE	WASHINGTON	FERRY	5	474,392	573,213.63		573,213.63	1.21
		PEND OREILLE	5	259,991	314,150.29		314,150.29	1.21
		STEVENS	5	210,737	254,636.09		254,636.09	1.21
			STATE TOTAL:	945,120*	1,142,000.01*		1,142,000.01*	1.21*
			NF TOTAL:	945,120**	1,142,000.01**		1,142,000.01**	1.21**
DESCHUTES	OREGON	DESCHUTES	2	879,136	5,314,543.52		5,314,543.52	5.43
		JEFFERSON	2	160,375	870,481.65		870,481.65	5.43
		KLAMATH	2	291,490	1,584,317.31		1,584,317.31	5.43
		LAKE	2	273,304	940,657.53		940,657.53	5.43
			STATE TOTAL:	1,604,705*	8,710,000.01*		8,710,000.01*	5.43*
			NF TOTAL:	1,604,705**	8,710,000.01**		8,710,000.01**	5.43**
FREMONT	OREGON	KLAMATH	2	342,690	1,326,657.93		1,326,657.93	3.87
		LAKE	2	854,322	3,307,342.07		3,307,342.07	3.87
			STATE TOTAL:	1,197,012*	4,634,000.00*		4,634,000.00*	3.87*
			NF TOTAL:	1,197,012**	4,634,000.00**		4,634,000.00**	3.87**
GIFFORD PINCHOT	WASHINGTON	CLARK	3	1,150	8,600.34		8,600.34	7.48
		COWLITZ	3	20,664	154,536.79		154,536.79	7.48
		KLICKITAT	4	9,016	67,426.62		67,426.62	7.48
		LEWIS	3	370,045	2,767,400.60		2,767,400.60	7.48
		SKAMANIA	4	815,158	6,096,201.10		6,096,201.10	7.48
		YAKIMA	4	37,552	280,834.57		280,834.57	7.48
			STATE TOTAL:	1,253,585*	9,375,000.02*		9,375,000.02*	7.48*
			NF TOTAL:	1,253,585**	9,375,000.02**		9,375,000.02**	7.48**
MALHEUR	OREGON	BAKER	2	45,786	251,326.65		251,326.65	5.49
		GRANT	2	1,119,161	6,143,253.13		6,143,253.13	5.49
		HARNEY	2	293,876	1,613,132.21		1,613,132.21	5.49
		MALHEUR	2	599	3,288.01		3,288.01	5.49
			STATE TOTAL:	1,459,422*	8,011,000.00*		8,011,000.00*	5.49*
			NF TOTAL:	1,459,422**	8,011,000.00**		8,011,000.00**	5.49**
MT. BAKER	WASHINGTON	SKAGIT	2	517,942	838,844.29		838,844.29	1.62

Senator EVANS. Thank you very much.

Mr. William Benson, chairman of the board of county commissions.

STATEMENT OF WILLIAM V. BENSON, CHAIRMAN, SKAMANIA COUNTY BOARD OF COMMISSIONERS, STEVENSON, WA

Mr. BENSON. Thank you, Senator Evans.

I want you to know we in Skamania County appreciate all the time, patience, interest, and understanding you have invested in this process since this started.

I am Bill Benson, chairman of the board of commissioners of Skamania County. I have been a county commissioner for over 5 years, and feel I have a very good understanding of the issues concerning management of the Columbia Gorge and the desires and capabilities of people who live there.

I am adamantly opposed to any Federal legislation for control of the gorge. Over 90 percent of the local people in Skamania County support this position, according to an advisory vote held as part of the county's election process. The people of Skamania County and the gorge have the willingness and the capabilities to manage their own land use affairs.

Senator, I have seen two Governors or heard two Governors, some State legislators, a few county commissioners wringing their hands and bemoaning the fact that they do not have the capabilities of managing things at the local level. Those people are either insecure or incompetent. We in Skamania don't have that problem. As is evident from voluminous correspondence and telephone calls your offices have undoubtedly received, there is a concerted effort by a large group of dilletante nongorge residents and nongorge taxpayers who wish to steal our very birthright by making the gorge their scenic playground.

I say their playground, because the residents of Skamania County and the gorge are too busy attempting to wrest a meager sustenance to enjoy it as a playground. If you bow to the pressure of these flatland carpetbaggers from outside the gorge who perceive a need to take away land use authority from local governments in the gorge, then I believe you must consider the following points.

The recommendation of the Oregon and Washington Gorge Commissions are that the Gorge boundaries be expanded beyond that that the two States have established. I oppose that. Any legislation from the Columbia River Gorge is doomed to fail if funds are not appropriated to carry out the provisions of the Act. The bills require development of a plan and regulations within a specific time period. If adequate resources are not committed to this process, an adequate plan will not be prepared. Furthermore, if land acquisition is to be part of the plan, money must be available for that. Economic development funds also need to be appropriated to assure an ongoing viable economy.

Gorge counties have suffered from the decline in the timber industry already, and can ill afford further damage. We need to remove the cloud of uncertainty that hangs over the Gorge and begin rebuilding our economy. I strongly recommend a paragraph be inserted into any legislation that that legislation shall not become effective until such time as appropriations are passed to fund them to the intent of the bill.

No one knows the true impact of the legislation on the Gorge, but I do not feel the impact would be positive.

Thank you, Senator.

[The prepared statement of Mr. Benson follows:]

Skamania County
Board of Commissioners

COURTHOUSE
P. O. Box 790

Stevenson, Washington 98648

(509) 427-5141, Ext. 200

Dist. 1 William V. Benson
Dist. 2 H. J. "Van" Vandenberg
Dist. 3 Ed Callahan

TESTIMONY OF WILLIAM BENSON
CHAIRMAN, SKAMANIA COUNTY BOARD OF COMMISSIONERS
for the
SENATE SUBCOMMITTEE ON PUBLIC LANDS, RESERVED WATER
AND RESOURCE CONSERVATION
JUNE 17, 1986

I am William V. Benson, Chairman of the Board of Commissioners of Skamania County, Washington. I have been a county commissioner for over five years and feel that I have a very good understanding of the issues concerning management of the Columbia Gorge and the desires and the capabilities of the people who live there.

I am adamantly opposed to any Federal legislation for control of the Gorge. Over 90 per cent of the local people in Skamania County support this position according to an advisory vote held as part of the county's election process. The people of Skamania County and the Gorge have the willingness and capabilities to manage their own land use affairs. Let us continue to have that opportunity.

As is evident from the voluminous correspondence and telephone calls your offices have undoubtedly received, there is a concerted effort by a large group of dilettante non-Gorge residents and non-Gorge taxpayers who wish to steal our very birthright by making the Gorge their scenic playground. I say their playground because the residents of Skamania County and the Gorge are too busy attempting to wrest a meager sustenance to enjoy it as a playground.

If you bow to the pressure of these flatland carpetbaggers from outside the Gorge who perceive a need to take away land use authority from local governments in the Gorge, then I believe that you must consider the following points.

BOUNDARIES
The recommendations of Oregon and Washington Columbia River Gorge Commissions and the proposed bills call for a larger area to be

officially considered as the Columbia River Gorge than the boundaries presently set by state statutes. I would strongly support retaining the existing Gorge boundaries as defined by Washington and Oregon state statutes.

FINANCING LEGISLATION

Any legislation for the Columbia River Gorge is doomed to fail if funds are not appropriated to carry out the provisions of the act. The bills require development of a plan and regulations within a specific time period. If adequate resources are not committed to this process, an adequate plan will not be prepared. Furthermore, if land acquisition is to be part of the plan, money must be available for that.

Economic development funds also need to be appropriated to assure an ongoing, viable economy. Gorge counties have suffered from the decline in the timber industry already and can ill afford further damage. We need to remove the cloud of uncertainty that hangs over the Gorge and begin rebuilding our economy.

I strongly recommend that a paragraph be inserted into any proposed legislation that states that the legislation shall not become effective until appropriations are passed that adequately fund the provisions of the bill.

No one knows the true impact of the legislation on the Gorge, but I do not feel that the impact will be positive. Prior to the enactment of any legislation I support having an Economic Impact Statement prepared that addresses the effect of the legislation on the Gorge and makes sure that the bill financially addresses these impacts.

URBAN AREAS

The designation of urban areas must be fair and consistent. Unincorporated communities in Skamania County were omitted while many in Klickitat County were included as urban areas.

I recommend that the criteria for designating urban areas be drawn up and all incorporated and unincorporated communities be judged by the same criteria. We must preserve the viability of our communities and preserve the ability to live and work in the Gorge.

I again stress that I am adamantly opposed to any federal legislation for the Columbia River Gorge. Let the people who live and work in the Gorge continue to manage and preserve it. We have done a good job and we will continue to do so.

Senator EVANS. Thank you very much.

In each case, let me just reiterate that the full statement of each witness will be included in the record.

Mr. Callahan.

STATEMENT OF ED CALLAHAN, SKAMANIA COUNTY COMMISSIONER, STEVENSON, WA

Mr. CALLAHAN. Thank you, Senator.

I would like to start out by saying that I do not support any Federal legislation for management of the Columbia River Gorge. The local people have demonstrated the capability and willingness to provide good management for the Gorge, and should be allowed to continue to do so. Land use controls exist in all Gorge counties. Both Klickitat and Skamania Counties have Gorge overlay zone provisions in their zoning ordinance that provide additional restrictions for areas within the Gorge to prevent incompatible uses. I believe that this is a reasonable approach to Gorge management. Local management can work to protect culture, scenic, and natural resources. Local governments can and should have the responsibility for local land control in the Gorge.

If, however, management legislation is to be enacted against the wishes of the local people, certain modifications and comments on the bill must be considered.

The boundaries. The existing boundaries set forth in Washington and Oregon statutes remain as an official boundary of any Gorge management area. These are entirely adequate in their scope and do not need to be expanded. The Klickitat River and any other tributary to the Columbia River should also not be included as part of the management area. The proposed additions to the existing boundaries far exceed the guidelines of what can be seen from the Columbia River, State 14, or Interstate 84. These boundaries would unfairly subject such lands to scenic area and special management area regulations.

I am going to jump around in my testimony because of the three lightbulbs up there.

The urban areas, all existing communities should be established as urban areas. Section 4(c) designates all the incorporated towns and some of the unincorporated communities in the Gorge as urban areas. Some of the unincorporated communities, including Home Valley in Skamania County that have similar characteristics to designate unincorporated communities have been excluded from the urban area designation.

Despite requests to congressional staffs involved with this bill, no one has been able to provide me with the criteria used for the designation or the decision of which unincorporated communities to include as urban areas it has been nothing less than arbitrary. Home Valley already has an industrial, residential, and commercial use, and the Home Valley area also is an important source of rock for the timber mills, roadbuilding, and other economic uses. Mapping for zoning has been completed and approved by the Planning Commission following the 1985 passage of the zoning ordinance.

Home Valley should be designated as an urban area, and local zoning does work as a viable tool for protecting the scenic resources of the Gorge.

Land acquisition provides a three-year limitation for the completion of land exchanged but does not set any such time limits for the purchase of acquisition of rights of the non-Federal lands in the special management area. The citizens of the Gorge have been in limbo for over five years regarding the issue of Gorge management. We cannot continue to put people's lives on hold. Over 81 percent of Skamania County is already in public ownership, and I ask the question, how much is enough. A three-year liquidation should also exist for the government to purchase or acquire rights to non-Federal land. Beyond that date, land acquisition should be limited only to willing seller and willing buyer transactions.

Whoops. I am glad it is all going to be part of the official record.

Senator **Evans**. All right.

Mr. **Callahan**. Thank you.

[The prepared statement of Mr. Callahan follows:]

Skamania County
Board of Commissioners

COURTHOUSE
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Dist. 1 - William V. Benson
Dist. 2 - H. J. "Van" Vandenberg
Dist. 3 - Ed Callahan

TESTIMONY OF ED CALLAHAN, SKAMANIA COUNTY COMMISSIONER
SKAMANIA COUNTY, WASHINGTON
for the
SUBCOMMITTEE ON PUBLIC LANDS, RESERVED WATER
AND RESOURCE CONSERVATION
on S.2055
JUNE 17, 1986

I do not support any federal legislation for management of the Columbia River Gorge. The local people have demonstrated the capability and willingness to provide good management for the Gorge and should be allowed to continue to do so. Land use controls exist in all Gorge counties. Both Klickitat and Skamania Counties have Gorge Overlay Zone provisions in their zoning ordinances that provide additional restrictions for areas within the Gorge to prevent incompatible uses. I believe that this is a responsible approach to Gorge management. Local management can work to protect cultural, scenic and natural resources. Local governments can and should have the responsibility for land use control in the Gorge.

If, however, management legislation is to be enacted against the wishes of the local people, certain modifications and comments on the bill must be considered.

BOUNDARIES
The existing boundaries set forth in Washington and Oregon statutes should remain as the official boundaries of any Gorge management area. These are entirely adequate in their scope and do not need to be expanded. The Klickitat River, and any other tributary to the Columbia River, should also not be included as part of the management area. The proposed additions to the existing boundaries far exceed the guidelines of what can be seen from the Columbia River, State Road 14 and Interstate 84. These boundaries would unfairly subject some lands to scenic area and special management area regulations.

COLUMBIA GORGE COMMISSION

The eligibility for membership on the Commission proposed in Section 5(C)(3) should be modified to 1) allow local and elected appointed officials to serve on Commission and 2)require that the Governor's appointments to the Commission be residents of Gorge counties. These changes would assure direct representation of the residents of Gorge counties on the Commission, localize the Commission, and assure that voting members are residents of the Gorge counties that will be impacted by the decisions made.

URBAN AREAS

All existing communities need to be established as urban areas. Section 4(c) designates all the incorporated towns and some of the unincorporated communities in the Gorge as urban areas. Some unincorporated communities, including Home Valley in Skamania County, that have similar characteristics to the designated unincorporated communities have been excluded from the urban area designation. Despite requests to Congressional staffs involved with this bill, no one has been able to provide me with the criteria used for designation. The decision of which unincorporated communities to include as urban areas has been nothing less than arbitrary.

Home Valley already has industrial, residential, and commercial uses. The Home Valley area also is an important source of rock for timber mills, road building and other economic uses. Mapping for zoning has been completed and approved by the Planning Commission, following the 1985 passage of a zoning ordinance text for Skamania County. Home Valley should be designated an urban area. Local zoning does work as a viable tool for protecting the scenic resources of the Gorge.

Existing communities and urban areas need to have definite boundaries that provide for reasonable growth and that incorporate the existing functions of the communities. Once the boundary has been determined for the urban area, only local land use controls should be applicable. I am appalled at the idea of the Forest Service doing local land use planning. The Forest Service should continue doing its job of managing the forests and not become involved in non-federal land use issues and regulations. The urban areas, including all existing communities, should be totally exempt from the regulations established for the scenic area and special management area lands. However, the proposed commission might be allowed to review proposed land use management provisions for urban areas.

MAINTENANCE OF TAX BASE

The potential long-term impact of this legislation on the Gorge must be considered. Prior to the enactment of any legislation, it is imperative that Gorge counties know how they will sustain their tax bases and tax revenues if and when timber lands and other private lands are removed from the tax rolls or the harvesting of timber is restricted on state and federal forest lands. Therefore, an Economic Impact Statement of the effects of this legislation should be done prior to the enactment of any legislation. It would be very irresponsible to do otherwise.

Timberlands outside of the Gorge must be made available for trade for Gorge timberlands. These trades of Gorge timberlands, however, need to be within the same county to preserve the private tax base.

Just the threat of Gorge management legislation has caused great harm to the local economy, value of property and confidence of the residents. No legislation should be enacted that does not guarantee that the existing tax base will be maintained. Gorge counties already suffer from declining natural resources economies. We can not sustain further damage to our tax bases or economies.

LAND ACQUISITION

Section 9, dealing with land acquisition, provides a three year limitation for the completion of land exchanges, but does not set any such time limit for the purchase or acquisition of rights of non-Federal lands in the special management area. The citizens of the Gorge have been in limbo for over five years regarding this issue of Gorge management. We cannot continue to put people's lives on hold. Over 81 per cent of Skamania County is already in public ownership. How much is enough? A three year limitation should also exist for the government to purchase or acquire rights to non-Federal land. Beyond that date, land acquisition should be limited only to willing seller transactions.

COLUMBIA GORGE DEVELOPMENT CORPORATION

The proposal to provide low interest loans for Gorge economic development is an important element of the bill to assist in providing some economic stability. However, the Columbia Gorge Development Corporation proposed in Section 11 provides for an additional organization in the Gorge that is not needed. The Mid-Columbia Economic Development District (M-CEDD) has been in existence since 1968 and functions well across state lines in the Gorge. Any economic development money should be distributed through M-CEDD. A new economic development organization is not needed.

Economic development funds should be used to diversify the economy and provide stability and sufficient jobs. The economic development opportunities should be a mix of manufacturing, service, processing and tourism related activities and not just emphasize tourism.

While the legislation only considers a limited portion of each Gorge County for management, the impact of the legislation will have a much broader impact within each county. Economic Development funding should be made available to Gorge counties for all communities that lay between the Sandy River and Gibbons Creek on the west and Miller Island and the Deschutes River on the East. These communities outside of the Gorge boundaries, but within a Gorge county generally have suitable areas for economic expansion, but would be at an economic disadvantage if funding was restricted to the Gorge communities only.

I appreciate your consideration of my comments. Again, I must stress that I do not favor any Federal management of the Columbia River Gorge.

Senator EVANS. Thank you very much.
Now, Bob Leick.

STATEMENT OF ROBERT L. LEICK, SKAMANIA COUNTY PROSECUTING ATTORNEY, STEVENSON, WA

Mr. LEICK. Thank you, Senator. I am speaking against the enactment of the Senate bill under consideration. Gorge residents have been testifying against similar bills before different committees for 6 years. Neither the people residing in the Gorge nor the people residing in the State of Washington favor Federal legislation placing controls on private land.

I know you have heard differently today. But I have attached to my written testimony proof in the form of a certified election result of a ballot measure voted on in Skamania County in 1981 and again in 1984. On both occasions over 90 percent of the voters were opposed to Federal legislation, a resolution by the Washington State Republican Central Committee against Federal legislation, and a memorial to the President and Congress overwhelmingly adopted by the Washington State Legislature urging you not to adopt Federal legislation.

Why, if the people of the Gorge have twice voted over 90 percent in opposition to the bills and the people of the State of Washington have spoken to their elected representatives that they are overwhelmingly opposed to the bills, are these bills still being thrust upon us? If it is an effort to demonstrate clout, we are convinced. We do not have to be beat up on any longer. For 6 years, we have had unemployment averaging over 20 percent. We are on our knees. If the people's will is meaningless and the bill must be passed, then we request the following provision for replacing tax revenues lost to local taxing districts as a result of Federal land acquisitions.

Beginning in the first fiscal year after the passage of the act, there are authorized to be appropriated sufficient funds to pay each affected county 1 percent of the fair market value of all lands acquired pursuant to this act as that value is determined by the county assessors of the respective counties, and said appropriation and payment shall continue each year thereafter, and the States or counties shall distribute such revenues to the various taxing districts within their jurisdictions that are similarly affected directly to said districts without reductions, setoffs, or other charges.

Would you be in favor of this bill if it would place your home in a federally managed area where all land use decisions were dictated by a Federal buearocrat? If allowed to become law, life in the Gorge for many landowners will be intolerable. It is not air pollution nor nuclear waste that we fear most. It is political pollution. So if a bill must be passed, please give us the same rights as those whose property rights were threatened by toxic waste. I suggest the following provision.

Any landowner whose property rights have been adversely affected by the enactment of this bill shall have the right upon offering his property to the Federal Government to have the Secretary purchase said lands and improvements at their fair market value, and in addition, such landowners shall be entitled to the relocation benefits provided under the Uniform Relocation Act.

Thank you.

[The prepared statement of Mr. Leick follows:]

TESTIMONY
of
ROBERT K. LEICK, Skamania County Prosecuting Attorney
Stevenson, Washington

BEFORE THE
Sub-Committee on Public Lands Reserved Water and Resource Conservation of the Senate Committee on Energy and Natural Resources on June 17, 1986

AND BEFORE THE
Sub-Committee on National Parks & Recreation of the House Committee on Interior & Insular Affairs
June 19, 1986

ON
SB2055 and HR4114, HR4134, HR4161, HR4221
Proposed National Scenic Area

My name is ROBERT K. LEICK. I am the elected prosecuting attorney for Skamania County. I am speaking against the enactment of the Senate Bill and any of the four (4) House bills under consideration.

Gorge residents have been testifying against similar bills before different committees for six years. Neither the people residing in the Gorge, nor the people residing in the State of Washington, favor federal legislation placing controls on private land whether it is done through a combination of state, local and federal agencies, or all through a federal agency. We know we are repeating ourselves. We know you have heard it before. But we will continue to protest and fight federal control as long as it takes.

The following statements recently appeared in an environmental publication, The Northwest Land Use Review:

> "The proposed federal bills raise several questions:
>
> (1) Why does each create a bi-state regional commission? One already exists. In addition, the

> failure of this mechanism elsewhere is given as a basis for federal intervention.
>
> (2) Why is federal intervention necessary? Existing policies and regulations are as or more stringent than those proposed for residential and commerical development and for mining hydro projects.
>
> (3) Is the federal approach too paternalistic? The result could be alienation of local governments within the Gorge, making compliance and enforcement a continuing problem."

Ironically, these statements were made by the attorney for the Friends of the Gorge, the proponents of these bills. Isn't that peculiar? Nevertheless, the author, Ms. Alison Moss's insight is right on and I have attached the pertinent portion of her article to my testimony as Exhibit A(1).

I have also attached to this testimony four (4) other exhibits which I implore the members of this Committee to read:

Exhibit A(2) is the certified ballot and election results of an election held in 1981, one year after the first Gorge bill was formulated. At that time the people of Skamania County voted ninety percent (90%) against the proposed federal legislation.

In 1982 the Republican Central Committee adopted a resolution, [Exhibit A(3)], urging our elected Republican officials to oppose federal legislation concerning the Gorge.

In 1983 the Washington State House and Senate overwhelmingly memorialized the President and Congress to refrain from considering legislation imposing further federal control over the Gorge. [Exhibit A(4)].

Finally, five (5) years after the introduction of the first bill, Skamania County held another election. The results of that election appear in Exhibit A(2) and show that ninety percent (90%) of the people of Skamania County are still opposed to federal control.

Why, if the people of the Gorge have twice voted over ninety percent (90%) in opposition to the bills, and the attorney for the Friends of the Gorge says that federal legislation is not necessary nor will it be effective, and the people of the State of Washington have spoken through their elected representatives that they are overwhelmingly opposed to the bills, are these bills still being thrust upon us? If it is an effort to demonstrate clout we are convinced. We do not have to be beat up any longer. For six (6) years we have had unemployment averaging over twenty percent (20%). We are on our knees. We are asking you to remove this cloud that hangs over our homes.

If, for whatever reason, a bill must be passed and the will of the people ignored, then we request the following provision for replacing tax revenues lost to local taxing districts as a result of federal land acquisitions:

> "Beginning in the first fiscal year after passage of the Act there are authorized to be appropriated, sufficient funds to pay each affected county one percent (1%) of the fair market value of all lands acquired pursuant to this Act, as that value is de-

> termined by the county assessors of the respective counties and, said appropriation and payment shall continue each year thereafter, and the states or counties shall distribute such revenues to the various taxing districts within their jurisdictions that are similarly affected, directly to said districts without reductions, set offs, or other charges."

National land use planning and zoning over private property is repugnant to most Americans. The quality of life in the Gorge is not threatened by air or water pollution. It is not a nuclear cloud that hangs over us. The pollution we fear most, and have suffered under, is 'political pollution'. The particulate fallout from this pollution is as rancid and offensive as any chemical contaminants. The people of the Gorge have a right to expect the federal government to purchase their homes and properties if they do not desire to live in such a polluted federal environment. We request that the following language be inserted in the proposed bills:

> "Any landowner whose property rights have been adversely affected by the enactment of this bill shall have the right, upon offering his property to the federal government, to have the Secretary purchase said lands and improvements at their fair market value, and, in addition, such landowner shall be entitled to the relocation benefits provided under the Uniform Relocation Act, PL 93-251. Sec. 83.

Respectfully submitted,

Robert K. Leick

ROBERT K. LEICK
Skamania County Prosecuting Attorney
P.O. Box 790
Stevenson, WA 98648

exists. In addition, the failure of this mechanism elsewhere is given as a basis for federal intervention.

(2) Why is federal intervention necessary? Existing policies and regulations are as or more stringent than those proposed for residential and commercial development and for mining hydro projects.

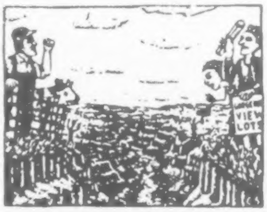
(3) Is the federal approach too paternalistic? The result could be alienation of local governments within the Gorge, making compliance and enforcement a continuing problem.

Problems and Proposals

In February 1985, the Oregon and Washington Columbia River Gorge Commissions published a report on recent trends in land platting and building activity in Skamania and Klickitat Counties. It noted that, between 1980 and 1984, more lots were created in the Gorge through short plats (167 on 553 acres) than through long plats (118 on 229 acres). It went on to point out the reasons short platting is preferred by developers—it's an administrative action not subject to public hearing requirements, applies less stringent development standards and is exempt from SEPA. As a result, short platting is a shorter and less costly process. The report also noted that "piggy-back" short plats (i.e. multiple contiguous short plats) were used to circumvent the regular platting process. In general, residential and commercial development in Klickitat County tended to locate in or around existing communities, while in Skamania County they were more widely dispersed.

These problems are certainly not unique to Skamania County. If, in fact, short platting of land and the location of development are the principal problems, they can be readily addressed without federal involvement. Until recently, for example, Island County (Whidbey and Camano Islands) displayed the same trends: lots were created almost exclusively by short plat because the development standards and costs were so much less than formal subdivision. The County responded by developing identical standards for short plats and subdivisions and by eliminating the opportunity to create more than four lots by short plat. Under Island County's system, Rizor could have submitted only one short plat rather than six.

Neighboring Klickitat County's regulations also offer a model for protecting the scenic qualities of the Gorge. Klickitat County has adopted a Gorge Protection Overlay Zone for development on steep slopes, cliffs and bluffs. It applies to all unincorporated areas within the "visual basin" of the Gorge, as seen from I-84, SR 14 and the Columbia River. Some of its major features include the following: all roads, buildings and other improvements must be sited and designed to fit the natural topography; structures within open or exposed areas must use earth tones to blend with the landscape; all structures must be setback so as not to infringe on the skyline as viewed from highways or the Columbia River; the minimum lot width on a bluff crest or cliff line is 200 feet; and surface mining cannot be visible from SR 14 or I 84.



Several Oregon Counties have also adopted regulations which protect the scenic resources of the Gorge. For example, Hood River County has adopted a "Columbia Gorge Combining Zone," an overlay which ensures that uses are compatible with the area's natural and scenic qualities. Within the overlay zone, structures must be setback so they are not visible from the Columbia River, I-84 or SR 14. If this provision would eliminate a reasonable economic use, the owner must create a visual screen of native vegetation. Exterior surfaces of all structures must be stained or colored a native earth-tone shade. Surface mining may be conducted only on sites which are not visible. Where possible, roads and driveways must follow natural topographic lines and be out of site of the Columbia and major highways. Clearcutting is allowed only where the size, shape and location of the area to be harvested will be compatible with natural openings in the surrounding landscape or will not be visible from major travel or scenic routes, vistas, parks or other recreation areas.

Wasco County also has a Columbia River Gorge overlay which requires an analysis of the visual impact of any proposed development on specified highways, the Columbia River, scenic viewpoints and vistas. An applicant must demonstrate that the site is not visible from any of these points, is not within 50 feet of any bluff lines or cliffs and will not obstruct any portion of any scenic viewpoint or vista. The overlay recommends colors that blend with surrounding vegetation and landscape.

Regulatory tools are, therefore, available. By now, Skamania County has probably come to the realization that, if it does not strengthen its own regulations, they will be strengthened for them. There is a good chance, then, that the County could be "encouraged" to adopt similar regulations.

However, to achieve a measure of consistency and manage the Gorge as an integral whole, development standards need to be applied on a region-wide basis. The Shorelines Management Act provides one means of accomplishing that goal in Washington.

For example, the Department of Ecology may adopt its own master program for shorelines of statewide significance, such as the Gorge, if the local master program does not provide "optimum implementation of the policy . . . to satisfy the state-wide interest." (RCW 90.58.090) DOE has already developed a master program for Hood Canal. It could prepare a single shoreline master program for all the cities and counties on the Washington side of the Columbia River. Or, it could retain the Gorge Commission to develop an integrated

EXHIBIT A(1)

master program; the Commission is experienced in looking at the Gorge as an entity and it applies policies which are substantially the same as those for shorelines of statewide significance.

Another possibility is for DOE to expand the jurisdiction of master programs. In Skamania County, it currently applies only to the shoreline, the 100-year floodplain and a 200-foot wide strip of adjacent land. It could be extended to the entire "viewshed" including the top of bluffs, which are attractive (and quite visible) locations for homes. DOE could expand the jurisdiction of the SMP to coincide with the entire "visual basin" of the Gorge. This would coincide with the jurisdiction of the Commission under RCW 43.97. In fact, DOE is currently considering taking this action.

Compared to the alternative of federal legislation, this approach has a number of possible benefits. First, it might create a sense of local involvement, which could lead to acceptance and voluntary compliance. Second, it can apply to the entire Gorge, where the federal bills exclude incorporated areas and federal agencies. Third, DOE has the authority to issue regulatory orders. Fourth, there is a private cause of action under the SMA and a relatively rapid and inexpensive appeal process available to private citizens. Fifth, the Shorelines Hearings Board has, in the Hidden Harbor case, shown it is willing to wrestle with the complex issues in the Gorge and to strictly enforce regulations in local shorelines master programs and the policies governing shorelines of statewide significance.

Hidden Harbor

The Hidden Harbor case involved a proposed 78-acre subdivision and boat moorage facility along the north shore of the Columbia River. The project—which was within the conservancy environment of Skamania County's Shoreline Master Program—would also require filling and dredging.

In its opening argument, Friends of the Gorge described the management problems created by having more than 50 agencies with no one agency responsible for looking at the Gorge as a whole. It also stressed the importance of the Shorelines Hearings Board's looking at the Gorge as an entity; its decision could provide a lasting precedent for Skamania, Clark and Klickitat Counties, as well as their respective cities and towns.

In rejecting the project, the Board's carefully analyzed the SMA's policies for "shorelines of statewide significance." Ultimately, the Board found that the proposal did not satisfy *any* of these policies. It also focused on lack of a need for the project (e.g. no market studies showing a demand for housing), as well as its failure to promote a statewide interest and long-term benefits, and failure to provide public access. The EIS for the project was also found to be inadequate for failing to deal with potential flood hazards and the overall economic viability of the project.

Potentially, the Hidden Harbor decision provides a basis for effective, regional management of the Washington side of the Columbia Gorge.

PRESERVING KING COUNTY'S FARMLAND

by Gene Duvernoy

(Gene Duvernoy is the former Manager of King County's Agriculture Program. He is currently Acting Deputy Director of King County's Department of Planning.)

In November, 1979—on the third try at the polls—King County's voters approved an ambitious and innovative $50 million program to preserve farmland through the purchase of development rights (PDR). At the end of 1982—after almost three years of delay due to lawsuits and other obstacles to financing—the program received its initial funding. All acquisitions were completed by the end of 1985.

This article reviews the purpose, history and operation of King County's PDR program. It concludes with a brief discussion of the program's results to date. It is written to encourage other jurisdictions in Washington to build on this successful experience and to adapt this unique approach to their own needs.

Why Save Farmlands?

King County is an urban county with a current population of about 1.4 million people dispersed over an area of roughly 200 square miles. Almost one-half the county's residents now live in unincorporated areas. The county's geography ranges from Puget Sound and intensely developed urban areas to farmlands, small rural towns and extensive forest lands.

In the face of relatively rapid growth, the county's remaining farmland was being rapidly converted to urban uses, and existing zoning seemed unable to halt the trend. According to the U.S. Census of Agriculture, between 1945 and 1974, King County's farmlands decreased by almost 70%—from roughly 165,000 acres to 51,000 acres. Over 80,000 acres went out of farming between 1954 and 1969.

In the late 1970s, a unique coalition of citizens active in business, agriculture and civic affairs became alarmed at the rapid loss of prime farmland. They articulated many reasons to preserve this valuable and diminishing resource:

- *Resource Base.* Compared to the abundance of food producing lands in the U.S., King County's prime agricultural acreage may not seem particularly significant. However, agricultural soils are among the least renewable of resources. Once paved-over and compressed, it is difficult to redevelop the biotic community necessary for soil productivity. As agricultural production and trans-

GARY M. OLSON
County Auditor

Skamania County
OFFICE OF AUDITOR
Courthouse
Stevenson Washington 98648

Phone 427-5141 Ext 206
Area Code 509

May 29, 1986

Mr. Robert K. Leick
Prosecuting Attorney
Skamania County
Stevenson, Washington 98648

Dear Bob:

In accordance with your request I am pleased to enclose a certified copy of Skamania County Special Election Advisory Ballots dated November 3, 1981, and November 6, 1984.

Sincerely,

Gary M Olson

GARY M. OLSON
Skamania County Auditor and
Ex-Officio Supervisor of Elections

GMO:vs
Encl: 1

EXHIBIT A(2)

Certificate of True Copy

STATE OF WASHINGTON }
County of Skamania } ss.

I, **GARY M. OLSON**, County Auditor for said Skamania County Washington, do hereby certify that the annexed and foregoing is a true and correct copy of the

Skamania County Special Election Advisory Ballot dated November 6, 1984,

and Skamania County Advisory Land Use Ballot dated November 3, 1981.

as the same now appears on file and of record in my office.

In Testimony Whereof, I have hereunto set my hand and official seal this 29th day of May, 19 86.

Gary M Olson
GARY M. OLSON
Skamania County Auditor

By ...., Deputy

GARY M. OLSON
County Auditor

Skamania County
OFFICE OF AUDITOR
Courthouse
Stevenson, Washington 98648

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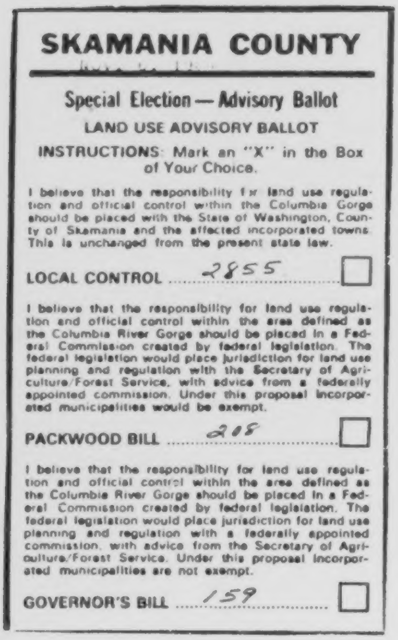
Area Code 509



SKAMANIA COUNTY

[illegible]

Special Election — Advisory Ballot

LAND USE ADVISORY BALLOT

INSTRUCTIONS: Mark an "X" in the Box of Your Choice.

I believe that the responsibility for land use regulation and official control within the Columbia Gorge should be placed with the State of Washington, County of Skamania and the affected incorporated towns. This is unchanged from the present state law.

LOCAL CONTROL .... 2855 ☐

I believe that the responsibility for land use regulation and official control within the area defined as the Columbia River Gorge should be placed in a Federal Commission created by federal legislation. The federal legislation would place jurisdiction for land use planning and regulation with the Secretary of Agriculture/Forest Service, with advice from a federally appointed commission. Under this proposal incorporated municipalities would be exempt.

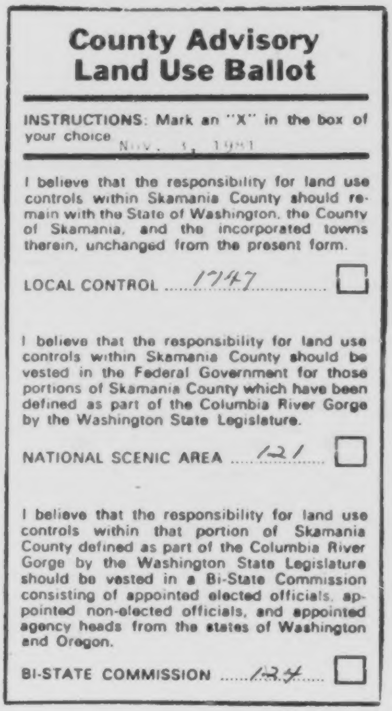
PACKWOOD BILL .... 208 ☐

I believe that the responsibility for land use regulation and official control within the area defined as the Columbia River Gorge should be placed in a Federal Commission created by federal legislation. The federal legislation would place jurisdiction for land use planning and regulation with a federally appointed commission, with advice from the Secretary of Agriculture/Forest Service. Under this proposal incorporated municipalities are not exempt.

GOVERNOR'S BILL .... 159 ☐

Total Registered Voters:

4431



County Advisory Land Use Ballot

INSTRUCTIONS: Mark an "X" in the box of your choice Nov. 3, 1981

I believe that the responsibility for land use controls within Skamania County should remain with the State of Washington, the County of Skamania, and the incorporated towns therein, unchanged from the present form.

LOCAL CONTROL .... 1747 ☐

I believe that the responsibility for land use controls within Skamania County should be vested in the Federal Government for those portions of Skamania County which have been defined as part of the Columbia River Gorge by the Washington State Legislature.

NATIONAL SCENIC AREA .... 121 ☐

I believe that the responsibility for land use controls within that portion of Skamania County defined as part of the Columbia River Gorge by the Washington State Legislature should be vested in a Bi-State Commission consisting of appointed elected officials, appointed non-elected officials, and appointed agency heads from the states of Washington and Oregon.

BI-STATE COMMISSION .... 124 ☐

Total Registered Voters:

3840

(REF: 1984 WASHINGTON STATE REPUBLICAN PLATFORM)

RESOLUTION

WHEREAS, the Washington State Republican Party, by Resolution, has opposed any Congressional proposals that would place the Columbia River Gorge under centralized Federal control; and

WHEREAS--in controversion of the express wishes of the Party, the State Legislature, and the people they represent--Republican members of Congress, 3 Republican Senators, and 2 Republican Governors have added their support to Federal legislation; and

WHEREAS, such actions are contrary to the President's efforts to reduce the size and scope of the Federal government, and may have a negative influence on the outcome of his bid for re-election;

THEREFORE, BE IT RESOLVED, the Washington State Republican Party, to further the unity of the Party and the credibility of Republicans everywhere, calls upon Washington's Republican Governor and Republican officeholders, who represent the people and Washington State in the Congress, to withdraw their support for any such Federal legislation; and

BE IT FURTHER RESOLVED, that a copy of this Resolution, and the Party's 1983 Resolution, opposing the impositon of any form of Federal control over non-Federal land in the Columbia River Gorge, be forwarded to the Governors of Washington and Oregon, and all Republican Senators and Congressmen.

EXHIBIT A(3)

The Washington Legislature's
MEMORIAL

APRIL 28, 1983

SENATE JOINT MEMORIAL NO. 110

State of Washington 48th Legislature 1983 Regular Session

by Senators Zimmerman, Bauer, Benitz, Fuller, Conner, Owen, Sellar, Hansen, Haynor and Pullen

HOUSE JOINT MEMORIAL NO. 18

State of Washington 48th Legislature 1983 Regular Session

by Representatives Sutherland, Heck, B. Williams, Barrett, Betrozoff, Smith, Fiske, Ellis, G. Nelson, Nealey, West, Broback, Egger, Kaiser, Stratton, Halsan, Galloway, Tanner, Padden, Fuhrman, Monohon, Ristuben, Isaacson, and Hastings

Read first time on February 18, 1983 and referred to Committee on Natural Resources.

TO THE HONORABLE RONALD REAGAN, PRESIDENT OF THE UNITED STATES, AND TO THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, AND TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES, IN CONGRESS ASSEMBLED:

We, your Memorialists, the Senate and House of Representatives of the State of Washington, in legislative session assembled, respectfully represent and petition as follows:

WHEREAS, The Columbia River Gorge is the home of forty-one thousand residents of the states of Washington and Oregon who live in the location by choice, and as free and responsible citizens have managed their area in a prudent, conservation-minded manner; and

WHEREAS, The Columbia River Gorge is a vital transportation corridor and economic link between the Northwest and the products and markets of the nation and the world; and

WHEREAS, Congressional proposals have been made to place the Columbia River Gorge under centralized federal control, which proposals conflict with the sentiments expressed by the people in votes and polls in overwhelming opposition to the federal control; and

WHEREAS, The Senate and House of Representatives of the State of Washington oppose imposition of any further federal control over nonfederal land in the Columbia River Gorge:

NOW, THEREFORE, Your Memorialists respectfully pray that Congress refrain from considering legislation imposing further federal control over nonfederal land in the Columbia River Gorge.

BE IT RESOLVED, That copies of this Memorial be immediately transmitted to the Honorable Ronald Reagan, President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the State of Washington.

ADOPTED 36 to 10 — STATE SENATE
58 to 28 — HOUSE OF REPRESENTATIVES

EXHIBIT A(4)

Senator EVANS. Thank you very much.

Al McKee.

Mr. GRATTAN. Senator, Al McKee is not here today.

Senator EVANS. Would you identify yourself for the record?

STATEMENT OF RUSSELL J. GRATTAN, ON BEHALF OF THE PORT OF SKAMANIA COUNTY AND SKAMANIA COUNTY PUBLIC UTILITY DISTRICT, STEVENSON, WA

Mr. GRATTAN. My name is Russell J. Grattan. I am a lawyer. I am here today representing the Port of Skamania County and Skamania County Public Utility District. On behalf of both municipal corporations, I want to go on record to indicate their opposition to Federal legislation for the Columbia River Gorge.

The Port of Skamania County, as an active proponent of sensible economic development in Skamania County, presently owns some 55 acres of industrial land in the district of a value of $144,550,178. Since the introduction of the first Columbia Gorge Scenic Area bill in 1980, the port has experienced a decline in the number of industrial tenants on port property. In 1980, there are approximately 135 jobs generating a payroll of $1,625,000. Presently, despite ongoing efforts to recruit new industry, the number of jobs has dropped to approximately 65, generating a payroll of some $540,000.

This is due in large to the fact that there are fewer businesses which are able to survive in the continuing climate of political uncertainty which has plagued the gorge since 1980 and the fact that even fewer businesses are willing to invest in an area where Federal legislation which would authorize acquisition and regulation of private and public property is a threat. The Port of Skamania County and the PUD are convinced that Federal legislation will have an unfavorable effect on economic development in Skamania County and elsewhere in the gorge. The port and the PUD join in demanding that an economic impact study be conducted, including a cost benefit analysis of the legislation, so that this body can be fully informed before a decision is made.

It is the position of the port and the PUD that Federal legislation in the Columbia River Gorge will be much more expensive than you realize, both in the short term and in the long term. To make an informed decision, as you must, you need to have the information that an economic impact study would provide. The Port of Skamania County also requests that if legislation is passed, that it provide for a local commission of elected, not appointed, officials who will remain accountable to the public for their actions.

The PUD commissioners passed the resolution annexed hereto as exhibit A on June 2, 1986, on behalf of the ratepayers of Skamania County. The Skamania County PUD serves all of the residents of Skamania County. I will now read that resolution to you.

Whereas the Congress will soon be holding hearings on S. 2055, H.R. 4161, H.R. 4114, H.R. 4134, and H.R. 4221, all bills which place the Columbia River Gorge under some form of Federal stewardship and whereas commerce and trade in this area can best be enhanced by private business and local government, and whereas the Columbia River Gorge has been threatened with designation as a national scenic area under the U.S. Forest Service or U.S. Park Service, and whereas it is the feeling of this commission that such a designation is detrimental to business and free enterprise and would seriously weaken the rights and freedom of the residents of the affected area, and whereas the direct effect of this legislation to the district is to reduce commerce and population in the county, thereby causing higher electric and water rates to the remaining customers, now therefore be it resolved that this board hereby affirms the right of the local people to local self-determination in the area of land use planning, and hereby express our opposition to the national scenic area designation for the Columbia River Gorge or any other designation that will reduce the rights of the people. Adopted this 2d day of June, 1986, in regular session.

Thank you, Senator.

[The prepared statement of Mr. Grattan follows:]

POSITION STATEMENT OF THE PORT OF SKAMANIA COUNTY, WASHINGTON AND THE SKAMANIA COUNTY PUBLIC UTILITY DISTRICT REGARDING S.2055 BEFORE THE SUBCOMMITTEE ON PUBLIC LANDS RESERVED WATER AND RESOURCE CONSERVATION OF THE SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES

June 17, 1986

Senators:

My name is Russell J. Grattan. I am a lawyer and I am here today representing the Port of Skamania County, Washington and the Skamania County Public Utility District. On behalf of both municipal corporations, I want to go on record to indicate their opposition to Federal Legislation for the Columbia River Gorge and to request that you table all such legislation indefinitely.

The Port of Skamania County, as an active proponent of sensible economic development in Skamania County, presently owns some 55 acres of industrial land which has a current assessed value of $144,550,178.00. Since the introduction of the first Columbia River Gorge Scenic Area Bill in 1980, the Port has experienced a decline in the number of industrial tenants on Port property. In 1960, there were approximately 135 active jobs generating a payroll of $1,625,000.00. By 1986, despite ongoing efforts to recruit new industry, the number of jobs has dropped to approximately 65, generating a payroll of $540,000.00. This is due, in large, to the fact that there are fewer businesses which are able to survive in the continuing climate of political uncertainty which has plagued the Gorge since 1980. and the fact that even fewer businesses are willing to invest in an area where

Federal Legislation, which would authorize acquisition and regulation of private (and public) property, is a threat.

The Port of Skamania County and the PUD are convinced that Federal Legislation will have an unfavorable effect on economic development in Skamania County and elsewhere in the Gorge. The Port and the PUD join in demanding that an economic impact study be conducted, including a cost-benefit analysis of the legislation, so that this body can be fully informed before a decision is made. It is the position of the Port and the PUD that Federal Legislation in the Columbia River Gorge will be much more expensive than you realize, both in the short term and in the long term. To make an informed decision, as you must, you need to have the information that an economic impact study would provide. The Port of Skamania County also requests that if legislation is passed, that it provide for a local commission of elected not appointed officials, who will remain accountable to the public for their actions.

The PUD Commissioners passed the Resolution annexed hereto as Exhibit "A" on June 2, 1986 on behalf of the Ratepayers of Skamania County. I will now read that resolution to you.

Exhibit "A"

SKAMANIA COUNTY P.U.D. # 1

Resolution No. 925

WHEREAS, the Congress will soon be holding hearings on S.2055, H.R.4161, H.R.4114, H.R.4134 and H.R.4221, all bills which place the Columbia River Gorge under some form of federal stewardship, and

WHEREAS, commerce and trade in this area can best be enhanced by private business and local government, and

WHEREAS, the Columbia River Gorge has been threatened with designation as a National Scenic Area under the U.S. Forest Service or U.S. Park Service, and

WHEREAS, it is the feeling of this Commission that such a designation is detrimental to business and free enterprise, and would seriously weaken the rights and freedom of the residents of the affected area, and

WHEREAS, the direct effect of this legislation to the District is to reduce commerce and population in the County, thereby causing higher electric and water rates to the remaining customers,

NOW, THEREFORE, BE IT RESOLVED that this Board hereby affirms the right of local people to local self determination in the area of land use planning, and hereby express our opposition to the National Scenic Area designation for the Columbia River Gorge, or any other designation that would reduce the rights of the people.

Adopted this 2nd day of June, 1986 in regular session.

Parker L. Knight

Parker L. Knight, President

Attest:

Melissa Carlson-Price, Secretary

Senator Evans. Thank you very much.

Perhaps the questions I have will not be addressed particularly to any one of you specifically as much as to the entire panel, who really represent a pretty complete cross-section, I would suggest, of Skamania County and its political and economic leadership.

Let me start with Mr. Grattan, but others may want to contribute as well. You mentioned the decline in the economy, and several others have mentioned the decline in the economy over the past several years. You suggested in your testimony the decline since 1980, when the first proposal was introduced. Do you suggest the decline in the economy has been a direct result of the proposals for the Columbia Gorge area or that there are other, more fundamental reasons for the decline in the economy?

Mr. GRATTAN. There are many contributing factors, I am sure, Senator, but when businesses are informed, when they are asked to come into Skamania County and they are informed that we do have this legislation which may be pending or may be coming, there are plenty of other places to look, and the port and the PUD feel that that has been happening over the last 5 and 6 years.

Senator EVANS. Prior to 1980 or up to 1980, what was the prime port activity?

Mr. GRATTAN. Perhaps Mr. Leick could answer that better. They have been diversified to date. They have had everything from crane building operations through minor forest products industry, and they still have a little of that presently.

Senator EVANS. For instance, has activity at the port been stable, going down, going up over the last 6 to 10 years?

Mr. GRATTAN. I cannot answer for 10 years.

Senator EVANS. Bob?

Mr. LEICK. Senator, the port district's activities peaked about the time the bill, the first bill was introduced. Primarily the economy of the county is tied to timber and lumber related activities, like many communities in the State of Washington. All I can say is that other rural communities in similar economies have not experienced constant 20-percent unemployment to 25 percent to date. So we have to attribute at least partly our success in the unemployment ladder to the cloud that has hung over the Gorge as a result of the uncertainty of this proposed legislation, or similar.

Senator EVANS. But that has got to be an unemployment from some base. In other words, people were unemployed when the jobs they once had were no longer available. What were the basic jobs they were working in from which you now have the 25- to 30-percent unemployment? Were those essentially all timber-oriented jobs?

Mr. LEICK. Timber-oriented or byproducts.

Senator EVANS. Would that not indicate that it is really a decline in the timber industry that has been primarily responsible for the economic decline? If that is true, are there any plans afoot by anyone, by the county commission, by any local groups to seek a new kind of economic base, or is everything dependent on the timber industry reviving?

Mr. CALLAHAN. No, Senator. Skamania County is attempting to diversify their economy at the present time. We have been for the last 5 years, ever since this controversy started, living under the cloud that we would either get legislation or we would not get legislation, if and when and how. In the meantime it is very difficult when you have got 33-percent unemployment high and a 23-percent low to raise money to go out and build a hotel accommodation that will accommodate people.

We have got one motel in our county. And the threat of proposed legislation, I think, has been a real detriment to us as far as trying to get a Red Lion or any other major chain to open up a destination hotel, which would help us. We are inundated with the surf sailors now, or sailboarders, and a lot of campers in Gifford Pinchot National Forest, but we still have to have those accommodations for those people, and we just cannot afford it, yet we strive every day to bring people in that are willing to invest their money.

Senator EVANS. If legislation had been concluded, and there was designation as a national scenic area, in your view, would that not add to the potential of hotels or like other facilities? People would be more attracted to an area that had that designation than not?

Mr. CALLAHAN. I think we have an awful lot of attractions in the Columbia Gorge area right now without this designation. This designation really does not do very much. I live in an area called Home Valley, and a lady from New Jersey pulled up to the gas tanks Saturday and wanted to know how she could get to the gorge. She was right smack in the middle of the Columbia Gorge and she did not realize it, and most people do not.

Mr. GRATTAN. Senator, if I may, you have an effect on local businesses not only through the timber industry or the falling of other industries. Skamania County has experienced in the short time that I have been there almost a freeze on private land sales, and when you have that, certain businesses need a certain number of people around them in order to sustain themselves. And when you do not get that population regenerating itself, when you have your high school seniors leaving and not coming back, and you have people moving out in search of jobs, and it is not regenerated in any other way, then the smaller businesses keep falling off, and that affects everyone, because it is sort of a domino effect.

Senator EVANS. You say there has been almost a freeze, but no legislation has passed. What causes the freeze?

Mr. GRATTAN. The spectre of Federal legislation, Senator.

Senator EVANS. That does not cause a freeze.

Mr. GRATTAN. It causes apprehension, Senator.

Senator EVANS. The end result may be the same. I do not think there has been a freeze imposed by anything.

Mr. GRATTAN. Perhaps "freeze" was the wrong terminology, but the apprehension when people are ready to lay out perhaps their life savings for the biggest purchase they are going to make, that is, their home and property, they are going to look at all aspects, and they will look at an aspect of what is going to happen to my property later. Maybe I will buy some land 10 miles from here.

Senator EVANS. In the assessor's office, you would have a pretty good idea, I would guess, of population trends, the number of people who own property and who are there in the county. What has been the trend over the last 10 or 15 years? What has been the population trend in the county?

Ms. LETHLEAN. I would say the population trend did go up for some time there, going up in Skamania County means going from 6,000 to 7,000 people. So you have got to take that into consideration, too. I can honestly say that a couple of years ago we did a study that we were trying to decide whether the proposed legislation was affecting sales within Skamania County.

At that time, we talked to realtors and they felt that there was still a lot of people that were interested, again a lot in my mind and a lot in your mind, that would want to build homes or buy homes within Skamania County. The economy at that time sort of precluded people doing too much of it. Now I can say that we get probably one to two people in a week asking, can I build a home, and am I going to be allowed to do whatever I wish with my property. And I think that has had an effect on us, yes.

Mr. CALLAHAN. In addition to which, Senator, the second powerhouse had a great influence on us by bringing in a lot of workers. It jumped our population up that 1,000 to 1,200 people that Linda refers to. But after it was completed, away they went. In the meantime the census was taken and because we cannot find private investors to invest $10 or $12 million into a proper facility, you go to apply for a Federal or State grant and you cannot qualify because you do not have the population for it. So we are damned if we do and we are damned if we do not. And this is not helping us.

Mr. LEICK. Senator, I had occasion to check the population of Skamania County in 1936, and it was between 5,000 and 6,000 at that time. There has not been what you would call rapid urbanization.

Senator EVANS. What is the best estimate of the current population?

Mr. LEICK. Close to 7,000.

Mr. CALLAHAN. I was going to say 7,000 top.

Mr. LEICK. Seven thousand when the Bonneville Dam's second powerhouse was being constructed. It has since gone down.

Senator EVANS. Someone mentioned the Home Valley, I think maybe it was you, Ed. Do you have a proposition for a zoning plan for that area?

Mr. CALLAHAN. Yes. Three weeks ago I visited with Joe Mentor and Senator Gorton's staff person and I brought in a zoning map that Home Valley was in the process of being zoned. Tuesday or Thursday of last week it went before the planning commission, and unless there is a hitch, it will be done when we get back. We have another hearing to go in July and it would be zoned.

As I understand it Skamania, which is just west of North Bonneville, is also in the process of preparing their map for zoning also.

Senator EVANS. All right. I think that takes care of the questions. Collectively, it is a good and complete set of testimony and we appreciate it very much. I am sure this will not be the last. I guess I can only say one thing in passing. Regardless of what we do with this legislation, I suppose the spector or the concern about potential legislation will not entirely disappear. You cannot keep people from wishing. And if it does not happen during this session or for any reason Congress said no, you probably will not have it entirely disappear.

Mr. CALLAHAN. Thank you, Senator.

Senator EVANS. Thank you.

All right. Next is panel No. 10, Mr. Chuck Williams, Columbia Gorge Coalition; Mr. Dennis White, Columbia Gorge Coalition; Ms. Susan Cady, conservation chair, Vancouver Audubon Society; Mr. Brock Evans, vice president, National Audubon Society; Ms. Lynn Herring, conservation chair, Portland Audubon Society; Mr. Andy Kerr, conservation director, Oregon Natural Resources Council.

The next panel to be sitting at the front. Ms. Julie Kierstead, Oregon Native Plant Society; Ms. Gail Achterman, Stoel, Rives & Boley; Mr. Borden Beck, Black, Helterline & Beck; Ms. Nancy Russell; Mr. Dick Benner.

STATEMENT OF CHUCK WILLIAMS, COLUMBIA GORGE COALITION, WHITE SALMON, WA

Mr. WILLIAMS. My name is Chuck Williams. I am representing the Columbia Gorge Coalition. Contrary to what our county commissioner, Bill Benson, said about the carbetbagging flatlanders, this fight to protect the Columbia Gorge and make a Columbia Gorge national scenic area was begun by local residents, our organization in 1979. It was not started by outsiders. People like Susan Cady and myself, who are taxpaying property-owning people in Skamania County and whose families have been there for many generations, long before the previous panel. The previous panel kept mentioning what a good job they were doing to protect the Columbia Gorge and Skamania County.

This is our latest example of protection. It is a new 41-house subdivision just unanimously approved by the planning commission right on the most popular fishing area of the Wind River which reinforces our position that the lower tributary canyons need to be protected at the same time.

This is our newest example of local control here—41 houses right on the best wild steelhead stream in Washington State. What we fear is not the outsiders. We fear what is going on now. And it is no fun to wake up in the morning and have an 83-house subdivision approved between you and your river right on your tribe's last village site to wake up next day and there is clear cutting going on in your water shed, things like that.

One of the previous panel mentioned about these special taxing districts. One of those special taxing districts that we were supposed to feel sorry for is composed of three people, and they are trying to condemn our family's property for access to an airport along the most critical wildlife habitat in the entire county. So we do not shed too many tears for that.

Mr. Callahan mentioned Home Valley. They are putting in zoning. What he did not mention was he is increasing that tiny community to 1,200 acres as part of the zoning, and they are expanding it manyfold.

We really appreciate the effort that has gone into this and the staff of Senator Evans has worked closely with local people working on boundaries, and we are getting very close on boundaries and we are really happy about areas like Major Creek and Katherine Creek being added in. These are the areas that we local people use all the time. And they are not known by very many people outside the area. And so they have not got much attention. But they are the real gems.

Our main problem with the legislation is twofold: First, it should be the National Park Service. All similar areas near urban centers have been made Park Service areas, and many of those have been controversial as to whether they were nationally significant. And the gorge, there is no doubt at all, they are nationally significant.

The other main thing is the tributary canyons. If those lower tributary canyons are not protected at the same time, they will get all the development that would otherwise go into the gorge, such as the lower Klickitat, for instance.

There are numerous reasons why the Park Service should be the agency. The Department of the Interior is in charge of historic preservation, which is a major part of the gorge. There are two wildlife refuges in the gorge. There are BLM lands all over the gorge and up the tributaries. There are about 6,000 acres of Indian lands in the gorge that have the Interior trust responsibilities that constitutionally cannot be changed by this legislation. And it just seems logical to make the Secretary of the Interior be in charge and have a good unified plan.

That is our main point we would like to make: that all other similar areas have been by the Park Service. And the Forest Service has never protected anything like this. This is just out of their league. And it is nothing pro or con for the Forest Service; it is just not what they do. And we very much appreciate your effort and we hope that you pass legislation soon. We are tired, too.

[The prepared statement of Mr. Williams follows:]

TESTIMONY OF CHUCK WILLIAMS, REPRESENTING THE COLUMBIA GORGE COALITION, ON PROPOSED COLUMBIA RIVER GORGE LEGISLATION BEFORE THE SENATE ENERGY AND NATURAL RESOURCES COMMITTEE IN WASHINGTON, D.C., ON JUNE 17, 1986.

My name is Chuck Williams, and I am representing the Columbia Gorge Coalition, a non-profit organization based in White Salmon, Washington, right in the heart of the Columbia Gorge. I am also the photographer and author of a well-known book on the Gorge, my ancestral homeland.

The Columbia Gorge Coalition began this campaign for a National Scenic Area almost a decade ago, when local conservation groups had formed in many parts of the Gorge to fight an onslaught of disastrous projects (many funded with federal EDA funds), including an extremely polluting zirconium plant almost built at Dallesport (which would have hurt fisheries and tourism), six dams on the White Salmon River, and further industrialization of farmlands and the Steigerwald Lake wetlands. It became obvious that, in the words of the late Governor Tom McCall, "the Gorge would be a goner" without federal protection, so the leaders of these local groups formed the Columbia Gorge Coalition. In 1979 we put out a brochure that, for the first time, called for the Gorge to become a National Scenic Area as part of the National Park System.

Others without our expertise on the Gorge or our knowledge of similar areas have since come along and offered to accept much-weaker "protection," but those of us that have been working on this issue the longest strongly believe that none of the Gorge proposals before Congress will actually protect the Gorge.

The Senate bill, for example, is often referred to locally as "Son of Lake Tahoe," since it is obviously based primarily on that disaster. We still can't understand why Congress is insisting on modeling Gorge legislation on a proven failure, instead of the numerous places that have been successfully protected, such as Golden Gate National Recreation Area, Lower St. Croix National Scenic River, and Cape Cod National Seashore. Unlike some areas protected near urban centers, the Columbia Gorge indisputably qualifies for the National Park System. It distresses us, to say the least, that Congress refuses to even consider the type of protection that will actually work and has been given numerous other famous landscapes. There are dozens of reasons why the National Park Service should be the lead agency, but no one has yet given us even one reason why it should be the Forest Service.

Regardless of what one thinks of the Forest Service, Columbia Gorge protection is completely out of that agency's league. We are talking about regulation of private lands, something that is strictly a function of the National Park Service, not multiple-use of public lands that is the Forest Service's main function. The Department of the Interior is responsible for historic preservation, wildlife protection, recreation areas near cities, Indian trust lands, and virtually all other tasks that should be the responsibility of the lead agency. The Soil Conservation Service is far more liked in the Gorge than the Corps of Engineers, yet Congress is still having the Corps build the second powerhouse and locks at Bonneville Dam.

We do greatly appreciate the interest that the staffs of Senators Evans and Packwood, for example, have shown in the tributaries, and we have made some progress in that direction. To protect the main Gorge corridor without the tributaries is, to us, like cutting the branches off a tree and then "saving" it. If the lower few miles of these tributary canyons are not also protected at the same time, they will receive the developments that would have otherwise gone into the main Gorge corridor. For example, last month the Skamania County Planning Commission unanimously approved a new 41-house subdivision right on the most popular fishing stretch of the Wind River, an important wild-steelhead spawning stream.

Enforcement is another major problem. As an expert on land protection with the U.S. Attorney's office told me last week: "If you end up with the Forest Service and no reimbursement for citizens' suits, you're dead."

We have written the amendments that we think are required to make S.2055 work, and we are submitting those for the record--and committee members. The Coalition and other conservation groups have put months into writing these amendments, so we hope that you will give them serious consideration.

In conclusion, the Senate bill has many good points and is a good starting point, but we beg you to do the job right. As the bill is written, it is a "lawyers' relief act"--and no one but the rich people on both sides of the issue will be able to continue to be involved. The Columbia Gorge is one of the scenic and natural wonders of the world--the Grand Canyon of the Columbia--and as such deserves National Park System protection.

Thank you very much for this opportunity to testify about the future of our home.

SYNOPSIS OF COLUMBIA RIVER GORGE NATIONAL SCENIC AREA BILLS

Senate Bill (S.2055/H.R.4161) and AuCoin/Bonker Bill (H.R.4221)
[With major proposed Conservationists' Amendments in brackets.]

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS: Refers to this legislation as the "Columbia Gorge National Scenic Area Act."

SECTION 2. DEFINITIONS: Defines various terms used in bill.

SECTION 3. FINDINGS AND PURPOSES: Findings: describes Gorge; notes great natural, recreational, historic, and economic importance; stresses that rights of local residents must be protected; says that Old Scenic Highway needs to be preserved and restored; states that Gorge is threatened because of fragmented management, so a federal-state-local partnership is needed. Purposes: states that Act is to protect scenic, natural, recreational, and historic resources; declares that the economy of the Gorge is to be protected and enhanced; says public use is to be encouraged; and states that a partnership is to be formed and a comprehensive plan written.

SECTION 4. ESTABLISHMENT OF THE SCENIC AREA: Establishes a Columbia Gorge National Scenic Area (NSA), with four "special management areas" (SMAs) (108,000 acres) managed by the Forest Service and the rest of the Gorge (118,000 acres) managed by a commission. Designates twelve "urban areas" (28,000 acres), which can be enlarged. [Makes Gorge a unit of National Park System; adds a new SMA (Rowena); freezes size of urban areas]

SECTION 5. THE COLUMBIA GORGE COMMISSION: Authorizes a bistate compact to establish a regional agency, the "Columbia Gorge Commission," composed of twelve paid members, one appointed by each of the six counties, and three by each governor. If states fail to establish commission, Secretary of Agriculture sets up commission as a federal agency. [Adds NPS rep to commission; gives Interior Secretary oversight over commission (Cape Cod formula); no pay for commission members; no bistate compact]

SECTION 6. ADOPTION OF THE SCENIC AREA MANAGEMENT PLAN: Commission has two years to draw up management plan for all non-Federal lands in NSA. Secretary of Agriculture can reject plan, but commission can override. Weak guidelines given for plan. [Makes NPS responsible for whole plan, but commission writes plan for non-Federal lands outside SMAs; stricter guidelines; USFS and USFWS on planning team; strong cultural protection]

SECTION 7. ADOPTION OF SCENIC AREA ZONING ORDINANCES: Counties are supposed to pass zoning ordinances to comply with commission plan. [Counties deal with NPS, not commission, in SMAs]

SECTION 8. ADMINISTRATION OF THE SPECIAL MANAGEMENT AREAS: The federal lands are to be managed under "multi-use management applicable to national forests." Commission and Secretary of Agriculture to draw up guidelines for non-federal lands in SMAs;

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counties are supposed to comply through complex system. Land-use regulations expire on private lands in three years (five in AuCoin/Bonker bill) if federal government fails to purchase lands. [NSA managed according to NPS regulations; no "sunset"]

SECTION 9. LAND ACQUISITIONS: Forest Service can purchase lands only in special management areas. Extensive land exchanges intended, especially for commercial timber lands, within three years. Condemnation prohibited on parcels with homes or used for agriculture if existing use is not "substantially changed." Allows lands to be resold (with restrictions) to private owners. [NPS can buy land anywhere in NSA; most Federal lands go to NPS]

SECTION 10. INTERIM MANAGEMENT: Weak interim protection, except for SMAs in AuCoin/Bonker bill. [Stronger interim regs]

SECTION 11. COLUMBIA GORGE DEVELOPMENT CORPORATION: Establishes Columbia Gorge Development Corporation to provide low-interest loans for counties that agree to management plan. [Federal consistency clause substituted for Development Coorporation]

SECTION 12. OLD COLUMBIA RIVER HIGHWAY: Secretary to restore Old Scenic Highway as a National Historic Road.

SECTION 13. TRIBUTARY RIVERS AND STREAMS: Senate bill has weak FERC guidelines (AuCoin/Bonker bans hydroelectric development in SMAs, restricts in commission areas). Authorizes a wild-and-scenic-river study for the lower few miles of the White Salmon River. [Instant designation for Deschutes (to Pelton Dam) and Wind and lower few miles of Sandy, White Salmon and Klickitat rivers; studies for rest of Sandy, White Samon and Klickitat, plus all of Hood, Little White Salmon and Washougal rivers; ban on hydroelectric development]

SECTION 14. IMPLEMENTATION MEASURES: Provides technical assistance and grants to counties that comply, plus land-acquisition grants (up to 75% of cost) to states. [Payments-in-lieu-of-taxes to counties instead of USFS timber monies]

SECTION 15. ENFORCEMENT: Weak enforcement (discretionary in Evans/Gorton), with civil--but not criminal--penalties allowed for violations. [Attorney fees reimbursed for citizen suits]

SECTION 16. AUTHORIZATION OF APPROPRIATIONS: Authorizes $35 million ($40 million in AuCoin/Bonker bill) for land acquisition, plus $15 million ($10 million) for development corporation. [$50 million acquisition funds, none for development]

SECTION 17. SAVINGS PROVISIONS: States that Act shall not affect Indian treaty rights, etc. Timber owners outside SMAs shall not have restrictions beyond weak state forest practices acts. Prohibits buffer zones around scenic area.

SECTION 18. SEVERABILITY: States that if any portion of the Act is held invalid, this will not affect the remainder of the Act.

CONSERVATIONISTS' AMENDMENTS TO PROPOSED COLUMBIA GORGE LEGISLATION BEFORE CONGRESS

(a) LAND ACQUISITION PLAN.—The Secretary shall, in consultation with the Commission, develop a plan for the ac-	Language from Evans/Gorton Senate bill (S.2055) and Wyden/Morrison House bill (H.R.4161)
The management plan shall discourage conversion of agricultural lands to uses not expressly permitted in	Amendments already incorporated into AuCoin/Bonker House bill (H.R.4221)
(C) any grant, loan, loan guarantee, or any other form of direct or indirect technical or financial assist-	Amendments taken from Weaver/Lowry House bill (H.R.4114) [was Packwood's S.627 last Congress]
"An Act to provide for certain payments to be made to local governments by the Secretary of Interior based upon the	Conservationists' amendments (additions)
~~(1) a landowner makes a bona fide offer to sell at fair market value or otherwise convey such parcel or~~	Conservationists' amendments (deletions)

99TH CONGRESS
2D SESSION

S. 2055

(including conservationists' amendments)

To establish the Columbia Gorge National Scenic Area, and for other purposes.

A BILL

To establish the Columbia Gorge National Scenic Area, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

This Act may be referred to as the "Columbia Gorge National Scenic Area Act".

TABLE OF CONTENTS

Sec. 1. Short title and table of contents.
Sec. 2. Definitions.
Sec. 3. Findings and purposes.
Sec. 4. Establishment of the scenic area.
Sec. 5. The Columbia Gorge Commission.
Sec. 6. Adoption of the scenic area management plan.
Sec. 7. Adoption of scenic area zoning ordinances.
Sec. 8. Administration of the special management areas.
Sec. 9. Land acquisitions.
Sec. 10. Interim management.
Sec. 11. Federal activities within the Area.
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~~Sec. 11. Columbia Gorge Development Corporation.~~
Sec. 12. Old Columbia River Highway.
Sec. 13. Tributary rivers and streams.
Sec. 14. Implementation measures.
Sec. 15. Enforcement.
Sec. 16. Authorization of appropriations.
Sec. 17. Savings provisions.
Sec. 18. Severability.

SEC. 2. DEFINITIONS.

As used in this Act, the term—

(a) "agricultural lands" means lands used for the production of or related small-scale processing of crops, fruits, or other agricultural products or for the sustenance of livestock;

~~(b)~~ "Agricultural Zone" means lands within the Scenic Area that are not included in the Special Management Areas or Urban Areas.

(c) ~~(b)~~ "Commission" means the Columbia Gorge Commission established pursuant to section 5 of this Act.

(d) ~~(c)~~ "Counties" means Hood River, Multnomah, and Wasco Counties, Oregon; and Clark, Klickitat, and Skamania Counties, Washington.

(e) ~~(d)~~ "Cultural and Historic Areas" means archaeological sites, Indian burial grounds and village sites, historic trails and roads, and other areas which are historically significant.

~~(e) "Development Corporation" means the Columbia Gorge Development Corporation established pursuant to State law and described in section 12 of this Act.~~

(f) "forest lands" means commercial ~~and nonncommercial~~ forest lands and lands used for the production and related small-scale processing of forest products;

(g) "implementation measures" means—

(1) zoning ordinances for the Scenic Area adopted pursuant to section 8 of this Act;

(2) land use regulations for the Special Management Areas adopted pursuant to section 10 of this Act; and

(3) interim guidelines developed by the Secretary and by the Commission pursuant to section 11 of this Act.

(h) "major development actions" means—

(1) subdivisions and short plat proposals; and

(2) permits for siting or construction outside Urban Areas of multifamily residential, ~~commercial, or industrial facilities.~~ development;

(i) "Management Plan" means the Scenic Area Management Plan adopted pursuant to section 6 of this Act.

(j) "Mineral Resources" means oil and gas, gravel, and other extractive resources.

(k) "Natural Areas" means areas which are substantially in an undeveloped state.

(l) "new residential development" means the permitting for siting or construction of any residence or other related major structure on any parcel of unimproved land.

(m) "Open Spaces" means agricultural lands, forest lands, Natural Areas, and parks and other recreation areas.

(n) "Private Forest Land Owner" means any owner of forest lands who, within ninety days of adoption of this Act, informs the Secretary in writing of his or her intention to offer for exchange any parcel of unimproved forest land at least forty acres in size within a Special Management Area.

(o) "Scenic Area" means the Columbia Gorge National Scenic Area established pursuant to section 4 of this Act.

(p) "Secretary" means the Secretary of ~~Agriculture.~~ Interior.

(q) "Special Management Areas" means lands within the Scenic Area that are ~~part of the National Forest System, established pursuant to section 4 of this Act,~~ managed solely by the National Park Service.

(r) "States" means the States of Oregon and Washington.

(s) "unimproved ~~forest~~ lands" means lands on which no residence or other major structures exist.

(t) "Urban Areas" means those areas within the Scenic Area identified in section ~~4(d)~~ c of this Act.

SECTION 3. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) the Columbia Gorge, located in the States of Oregon and Washington, is a spectacular canyon of compelling and majestic beauty formed by the Columbia River;

(2) the Columbia Gorge, cut through the Cascade Mountain Range by the erosive force of the Columbia River, dramatically illustrates natural geologic forces;

(3) the Columbia Gorge is the historic gateway between the Pacific Ocean and the interior of the North American continent traveled by Native Americans, explorers, traders, and pioneers, and evidences human habitation for over eleven thousand years;

(4) the Columbia Gorge is an area of commercial and economic importance to the Pacific Northwest, particularly for navigation, transportation, energy production, timber production and processing, fishing, agriculture, and recreation;

(5) the Columbia River is a major navigable waterway of commercial and economic importance to the

Pacific Northwest and the Nation, ~~whose importance will increase as a result of the improvement of navigation facilities at Bonneville Dam;~~

(6) the Columbia Gorge contains magnificent scenic, natural, cultural and recreational values of national significance, including the cascading all-season waterfalls, and an extensive system of hiking trails;

(7) the remaining segments of the Old Columbia River Highway between Troutdale and The Dalles, Oregon are of national significance and should be preserved and restored;

(8) existing rural communities and land uses contribute significantly to the character of the Columbia Gorge landscape;

(9) the right of residents in cities, towns, and rural communities within the Columbia Gorge to continue enjoyment of their homes must be assured and their economic well-being encouraged;

(10) scenic viewpoints, parks, highways, and trails within the Columbia Gorge are important recreation amenities and are heavily used by residents of the Portland-Vancouver metropolitan area and by visitors from around the Pacific Northwest, the Nation, and the world;

(11) tributary streams of the Columbia River within the Columbia River Gorge contain important wildlife and anadromous and resident fish resources which are of benefit to the Pacific Northwest and the Nation;

(12) the botanical diversity of the Columbia Gorge, ranging from the sagebrush and grasslands of the east to the lush rain forests of the west, including many threatened and endangered species, is unique, due in part to the diverse climate of the area;

(13) competing uses of the Columbia Gorge are intense, including development of Federal hydroelectric power facilities, highways, ports, navigation and industrial facilities, surface mining, residential and commercial development, farms, orchards, and timber ~~forest~~ production;

(14) the existing local, State, and Federal planning and regulatory authorities lack sufficient resources to provide for the multiple goals of growth management, development of public recreational facilities and protection of the unique scenic, cultural, recreation, and natural resources of the Columbia Gorge;

(15) the various affected jurisdictions in the Columbia Gorge differ in their approach to protection and enhancement of the existing character of the Columbia Gorge;

(16) differences in approach of the various affected jurisdictions has led to disjointed management and ~~potentially threatens~~ degradation of the scenic and other natural resources of the Columbia Gorge;

(17) in order to protect the scenic and other values of the Columbia Gorge, the Federal Government must form a partnership with State and local governments in the Columbia Gorge; and

(18) such a partnership would coordinate land use, resource management and economic development planning, thereby protecting the Gorge's nationally significant scenic, cultural, recreation, and natural resources.

(b) PURPOSES.—The purposes of this Act are—

(1) to protect and enhance the scenic, cultural, recreation, and natural resource values of existing Federal property located in the Columbia Gorge, including lands administered by the United States Fish and Wildlife Service, United States Forest Service, Bureau of Land Management, the Army Corps of Engineers, and other Federal agencies;

(2) to protect and enhance scenic, cultural, recreation, and natural resources of the Columbia Gorge, including sensitive habitats for wildlife and native plants, anadromous fish and threatened and endangered species, while providing public use and enjoyment consistent with protecting and preserving these resources;

(3) to protect and preserve the cultural, historical and archaeological resources of the Columbia Gorge and, where appropriate, to make these resources more accessible to the public for educational and scientific purposes;

(4) to preserve and restore the remaining segments of the Old Columbia River Highway between Troutdale and The Dalles, Oregon;

(5) to protect and enhance the economy of the Columbia Gorge ~~and to encourage future economic development~~ consistent with the existing scenic and natural character of the Scenic Area;

(6) to protect and enhance the character of human habitation in the Columbia Gorge, in harmony with the existing scenic and natural character of the Scenic Area;

(7) to promote public awareness of the scenic, cultural, recreation and natural resources of the Scenic Area;

(8) to support and enhance the economic livelihood of residents of the Columbia Gorge by encouraging growth to occur only in the existing Urban Areas and by recognizing compatible historic economic pursuits, such as farming, grazing, forestry, and orcharding, as appropriate to preserve the existing character of the

Gorge, and by enhancing the potential of the Gorge for increased tourism;

(9) to provide for and manage public use and enjoyment of the Columbia Gorge in a manner consistent with natural resource protection and maintenance of the existing rural landscape, including the establishment, acquisition, maintenance, and operation of public recreation and natural areas and facilities to meet the needs of a growing regional population;

(10) to promote and enhance the use of the Columbia River as a vital scenic, commercial and recreation resource;

(11) to utilize the land use planning and other powers of local and State governments and existing Federal agencies to further the purposes of this Act and provide Federal assistance to coordinate land use, resource management, and economic development planning for the Columbia Gorge;

(12) to facilitate and effect a partnership among the Federal Government, Indian tribes, the State of Oregon, the State of Washington, and local government entities located within the Columbia Gorge; and

(13) to develop and enforce coordinated land use, resource management, and economic development planning for the area which will supplement local and

State plans and which will protect and enhance the existing character of the Columbia Gorge while protecting scenic, cultural, recreation and natural resources and allowing development when consistent with preservation of those resources.

SEC. 4. ESTABLISHMENT OF THE SCENIC AREA.

(a) NATIONAL SCENIC AREA.—(1) There is hereby established the Columbia Gorge National Scenic Area as a unit of the National Park System.

(2) The Scenic Area shall consist of the area within the boundaries ~~generally~~ depicted on the map entitled "Boundary Map, Columbia Gorge National Scenic Area dated ...", which shall be on file and available for public inspection in the offices of the Commission and of the Secretary.

(b) SPECIAL MANAGEMENT AREAS.—(1) The following areas are hereby designated "Special Management Areas" ~~and are established as a unit of the National Forest System~~: Gates of the Columbia Gorge (including the Bridal Veil and Dodson/Warrendale areas); Three Mountains; ~~Catherine Creek; and~~ Klickitat Canyon; Burdoin Mountain; and Rowena.

(2) The boundaries of the Special Management Areas designated in this section shall be depicted on the map entitled "Special Management Areas, Columbia Gorge National Scenic Area dated ...", which shall be on file and available for public inspection in the offices of the Commission and of the Secretary.

(c) URBAN AREAS.—(1) The following cities and towns are hereby designated as "Urban Areas": Cascade locks, Hood River, Mosier, and The Dalles, Oregon; and Bingen, Carson, Dallesport, Lyle, North Bonneville, Stevenson, White Salmon, and Wishram, Washington.

(2) The boundaries of Urban Areas shall be depicted on the map entitled, "Urban Areas, Columbia Gorge National Scenic Area dated ...", which shall be on file and available for public inspection in the offices of the Commission and of the Secretary. The boundaries of Urban Areas designated in this subsection may be revised pursuant to the provisions of this section.

(d) REVISION OF URBAN AREA BOUNDARIES.—(1) Upon application of a county, the Secretary and Commission may revise the boundaries of any Urban Area identified in section 4(c) of this Act. The Commission shall approve the revision of Urban Area boundaries by a majority vote of the members appointed from each State.

(2) The Secretary and Commission may revise the boundaries of an Urban Area only if it finds that—

(A) ~~a demonstrable need exists to accommodate long-range urban population growth requirements or economic needs consistent with the management plan;~~ the total acreage of the urban area does not increase;

(B) revision of Urban Area boundaries would be consistent with the standards established in section 6 and the purposes of this Act;

(C) revision of Urban Area boundaries would result in maximum efficiency of land uses within and on the fringe of existing Urban Areas; and

(D) revision of Urban Area boundaries would not result in the significant reduction of agricultural lands, forest lands, or Natural Areas.

SEC. 5. THE COLUMBIA GORGE COMMISSION.

(a) ESTABLISHMENT AND MEMBERSHIP OF THE COMMISSION.—(1) To achieve the purposes of this Act and to facilitate cooperation among the States of Oregon and Washington, and with the National Park Service, United States Fish and Wildlife Service, and United States Forest Service~~, the consent of Congress is given for an agreement described in this section pursuant to which~~—

(A) there shall be established a regional agency known as the Columbia Gorge Commission. The Commission shall carry out its functions and responsibilities in accordance with the provisions of this Act; ~~and, except as otherwise provided in this Act, shall not be considered an agency or instrumentality of the United States for the purpose of any Federal law~~;

(B) the States of Oregon and Washington ~~provide to the Commission~~ and the counties under State law

shall ~~the authority to~~ carry out their respective functions and responsibilities in accordance with the provisions of this Act; and

(C) members of the Commission are appointed, subject to applicable State law, within one hundred and eighty days of the enactment of this Act: *Provided*, That upon request of the Governors of both States, the Secretary shall extend the time for appointment of Commission members ninety days to provide more time for the States and counties to make such appointments. Membership of the Commission shall be as follows:

(i) Six members, comprised of one resident from each of the following counties: Hood River, Multnomah, and Wasco Counties, Oregon, and Clark, Klickitat, and Skamania Counties, Washington, to be appointed by the governing body of each of the respective counties: *Provided*, That in the event the governing body of a county fails to appoint a member who resides in such county the Governor of the State in which the county is located shall appoint such member;

(ii) Three members who reside in the State of Oregon, to be appointed by the Governor of Oregon to represent statewide interests;

(iii) Three members who reside in the State of Washington, to be appointed by the Governor of Washington to represent statewide interests; and

(iv) One ~~ex officio, nonvoting~~ member who shall be an employee of the National Park Service, ~~United States Forest Service,~~ to be appointed by the Secretary.

~~(2) The appointment of four initial members from each State, subject to applicable State law, shall constitute an agreement by the States establishing the Commission. Such agreement is hereby consented to by the Congress.~~

(2)(A) Members of the Regional Commission who are full time officers or employees of the United States ~~the State of Oregon, the State of Washington, or any county referred to in subsection (b)(1)(A)~~ shall receive no additional pay on account of their service on the Regional Commission.

(B) Except as provided in subparagraph (A), members of the Regional Commission shall serve without pay. While away from their homes or regular places of business in the performance of service for the Regional Commission, members of the Regional Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Federal Government service under section 5703 of title 5 of the United States Code.

(3) Either State or any county may fill any vacancy occurring prior to the expiration of the term of any member originally appointed by that State or county. Each member appointed to the Commission shall serve a term of four years, except that, with respect to members initially appointed ~~pursuant to subsection (a)(2) of this section~~, each Governor shall designate one member to serve a term of two years, one member to serve a term of three years, and one member to serve a term of four years. Neither the Governors nor the governing bodies of any of the counties may appoint Federal, State, or local elected or appointed officials to the Commission.

(4) ~~A majority~~ Two-thirds of the members of the Commission shall constitute a quorum. The members of the Commission shall select from among themselves a Chair~~man~~ by majority vote.

(5) The members and officers and employees of the Commission shall not be deemed to be officers or employees of the United States for any purpose. The Commission shall appoint, fix compensation for, and assign and delegate duties to such ~~officers and~~ employees as the Commission deems necessary to fulfill its functions under this Act. ~~The compensation of Commission members shall be fixed by State law.~~

(b) APPLICABLE LAW.—For the purposes of providing a uniform system of laws, which, in addition to this Act, are applicable to the Commission, Federal laws relating to administrative procedure, the making of contracts, conflicts-of-interest, financial disclosure, protection of the envirement, open meetings of the Commission, advisory committees, disclosure of information, judicial review of Commission functions and actions under this Act, and related matters shall apply to the Commission to the extent appropriate. Federal laws applicable to financial disclosure under this subsection shall be applied to members of the Commission without regard to the duration of their service on the Commission or the amount of compensation received for such service. No contract, obligation, or other

action of the Commission shall be construed as an obligation of the United States or an obligation secured by the full faith and credit of the United States.

~~(c)(1) ESTABLISHMENT BY THE SECRETARY.—The Secretary shall establish the Commission as a Federal agency if—~~

~~(A) the States of Oregon and Washington fail to provide to the Commission and the counties under State law the authority to carry out their respective functions and responsibilities in accordance with the provisions of this Act;~~

~~(B) the Commission is not established and its members are not timely appointed in accordance with subsection (a) of this section; or~~

~~(C) at any time any provision of this Act relating to the establishment of the Commission or to any substantial function or responsibility of the Commission is held to be unconstitutional by a final determination of any Federal court.~~

~~The Secretary shall promptly publish a notice of intent to establish the Commission as a Federal agency in the Federal Register and notify the Governor of each State and the governing body of each county.~~

~~(2) Not more than thirty days after the publication of the notice referred to in paragraph (1) of this subsection, and~~

~~thereafter within forty-five days after a vacancy occurs, the Governors of Oregon and Washington may each provide to the Secretary a list of nominations from such State for each State and county position to be selected for such Commission. The list shall include at least two nominees for each position and such information about the nominees as the Secretary may request. The Secretary shall appoint the Commission members from each Governor's list of nominations for each State and county position, except that the Secretary may decline to appoint for any reason any of a Governor's nominees for a position and shall so notify the Governor. The Governor may thereafter make successive nominations within~~

~~forty-five days of receipt of such notice until nominees acceptable to the Secretary are appointed for each position. In the event the Governor of either State fails to make the required nominations for any State or county position on the Commission within the time specified for such nominations, the Secretary shall select from such State and appoint to the Commission a member or members for such position. The members of the Commission shall select from among themselves a Chairman by majority vote.~~

(c) The Secretary shall manage the entire National Scenic Area until the management plan for non-Federal lands outside the Special Management Areas has been prepared by the Commission and approved by the Secretary. The Secretary's authority to regulate those properties and to acquire those properties by condemnation shall be suspended during all times when the Commission has in force and applicable to such properties a duly adopted, valid land-use plan which the Secretary determines to be consistent with the purposes of this Act; provided, however, that such suspension shall not apply—

(1) to any lands which become subject of a variance under, or become for any reason an exception to, such Plan; or

(2) in the event that a change in the Plan is determined to be inconsistent with the Act.

(d)(1) FINANCIAL AND TECHNICAL ASSISTANCE.—The Secretary shall provide financial and technical assistance to the Commission to fulfill its functions and responsibilities pursuant to this Act.

(2) Upon the request of the Commission, other Federal agencies shall provide information, personnel, property, and services ~~on a reimbursable basis~~ to the Commission to assist it in carrying out its functions and responsibilities pursuant to this Act.

(e) ADVISORY COMMITTEES.—The Commission shall establish voluntary technical and citizen advisory committees to assist the Commission in carrying out its functions and responsibilities pursuant to this Act.

SEC. 6. ADOPTION OF THE ~~SCENIC AREA~~ MANAGEMENT PLAN.

(a) ELEMENTS OF THE MANAGEMENT PLAN.—Within two years of the date of enactment of this Act, the National Park Service, in cooperation with the Commission shall prepare a management plan for the Scenic Area in order to accomplish the purposes of this Act. The Commission shall adopt the management plan for its portion of the Scenic Area by a majority vote of the voting membership ~~members~~ appointed from each State. The management plan shall include the following ~~elements~~:

(1) RESOURCE INVENTORY.—Within one year of the date of enactment of this Act, the Secretary and the Commission shall cooperatively develop a standardized resource inventory for inclusion in the management plan. The inventory shall document all existing land uses, natural features and limitations, scenic, natural, cultural, and recreation resources and economic activities.

(2) LAND USE DESIGNATIONS.—Based on the results of the resource inventory developed pursuant to subsection (a)(1) of this section, and consistent with the standards established in subsection (b) of this section, the Commission shall develop land use designations for the Agricultural Zone and Urban Areas. ~~Scenic Area.~~ The land use designations shall

~~(A) incorporate without change the land use designations developed by the Secretary pursuant to section 10(a) of this Act for the Special Management Areas; and~~

~~(B)~~ incorporate without change the designation of Urban Areas established in section 4(c) of this Act.

(3) GUIDELINES FOR THE ADOPTION OF ZONING ORDINANCES.—The Secretary and Commission shall develop Guidelines for the adoption of zoning ordinances for non-Federal lands within the Scenic Area. The guidelines

~~(A)~~ shall incorporate without change the guidelines for the development of Special Management Area land use regulations approved by the Secretary pursuant to section 9(e) of this Act~~; and~~

~~(B) shall not apply to Urban Areas designated in section 4(c) of this Act.~~

(4) COOPERATIVE RECREATION PLAN.—The Secretary and the Commission shall agree on a cooper-

ative recreation plan for the National Scenic Area, including ~~and~~ the Special Management Areas. The cooperative recreation plan shall include the designation of areas within ~~the Special Management Areas and~~ the National Scenic Area as a whole needed for public use facilities. The areas so designated shall be administered in a manner that is mutually agreeable to the Secretary and the Commission. Public use facilities, including but not limited to educational and interpretive centers, campsites, picnic areas, boat launch facilities, and river access areas shall be constructed according to the cooperative recreation plan.

5 As part of the Management Plan, the Secretary of the Interior shall adopt a Cultural Management Plan for the Columbia River Gorge. The Cultural Management Plan shall:

(a) be developed in consultation and review with the tribal governments and traditional cultural authorities of the Yakima, Warm Springs, Umatilla, Nez Perce, and Grande Ronde tribes, the Oregon and Washington State Historic Preservation Officers, and the Advisory Council on Historic Preservation;

(b) provide specifically for implementing the requirements of sections 106 and 110(a), (b), and (d) of the National Historic Preservation Act (16 U.S.C. 470h-2(a), (b), and (d), and the American Indian Freedom of Religion Act (42 U.S.C. 1996); and

(c) ensure the preservation of properties having traditional cultural and religious value to the Yakima, Warm Springs, Umatilla, Nez Perce, and Grande Ronde tribes, including their environmental settings, and provision of access to such properties for practicioners of traditional tribal religions.

(b) CONTENT OF THE MANAGEMENT PLAN.—The management plan shall include provisions which are consistent with the purposes of this Act and the following standards:

(1) AGRICULTURAL LANDS.—The management plan shall designate lands suitable for agricultural uses as agricultural lands. The management plan shall provide for preservation and enhancement of agricultural lands for agricultural uses. The management plan may allow, but not require, conversion of agricultural lands to open space, recreation development, or forest lands. The management plan shall discourage conversion of agricultural lands to uses not expressly permitted in this subsection.

(2) FOREST LANDS.—The management plan shall designate private lands suitable for forest uses as forest lands. ~~The management plan shall provide for the preservation and enhancement of forest lands for forest uses.~~

The management plan may allow, but not require, conversion of forest lands to agricultural lands, recreation development, or open spaces while encouraging for the area an adequate, efficient and reliable wood fiber supply from outside the Scenic Area.

The management plan shall discourage conversion of forest lands to uses not expressly permitted in this subsection.

(3) OPEN SPACES, SCENIC AND HISTORIC AREAS AND NATURAL RESOURCES.—(A) The management plan shall provide ~~designate lands suitable~~ for conservation of open spaces, scenic, cultural, and historic areas and natural resources, including: (i) fish, ~~and~~ wildlife, and native plant habitat; (ii) ecologically and scientifically significant natural areas; (iii) outstanding scenic views and sites; (iv) water areas and wetlands; (v) cultural and historic areas, sites, structures, and objects; (vi) potential and existing recreation resources; and (vii) approved Federal wild and scenic waterways and state scenic waterways.

(B) The management plan shall designate lands suitable for the conservation of open spaces, scenic, cultural, and historic areas and natural resources.

(4) RECREATION NEEDS.—The management plan shall provide for the protection and enhancement of public and private recreation resources and educational and interpretive facilities and opportunities, in accordance with the cooperative recreation plan adopted pursuant to this section.

~~(5) COMMERCIAL DEVELOPMENT.—The management plan shall designate areas for commercial development. The management plan shall encourage, but not require, commercial development to take place in Urban Areas. Designation of areas for commercial development shall take into account the physical characteristics of the areas in question and their geographic proximity to transportation, commercial, and industrial facilities and other amenities. Standards for commercial development outside Urban Areas shall minimize impacts of development on scenic, cultural, recreation, and natural resources of the Scenic Area.~~

~~(6) INDUSTRIAL DEVELOPMENT.—The management plan shall require industrial development to take place in Urban Areas.~~

(5) COMMERCIAL AND INDUSTRIAL DEVELOPMENT.—The management plan shall require new industrial development to take place in Urban Areas. The management plan shall require new commercial development to take place in Urban Areas except for new commercial development within the existing communities of ~~Prindle,~~ Skamania, ~~Underwood,~~ Home Valley, and Corbett, where new commercial development may be permitted if compatible with the scenic, natural, cultural, and recreational values of the National Scenic Area.

~~(7) RESIDENTIAL DEVELOPMENT.—The management plan shall designate areas for residential development. Designation of areas for residential development shall take into account the physical characteristics of areas in question and their geographic proximity to~~

~~transportation and commercial facilities and other amenities. Standards for residential development outside Urban Areas shall minimize impacts of development on scenic, cultural, recreation, and natural resources of the Scenic Area.~~

~~(8) EXTRACTIVE RESOURCES.—The management plan shall include standards for the extraction of mineral resources and for the reclamation of lands following extraction of mineral resources, consistent with the purposes of this Act. The management plan shall encourage, but not require, that surface mining take place outside Special Management Areas. The standards shall allow surface mining operations only in those locations where they may be conducted without substantially impairing or detracting from the scenic, cultural, recreation, and natural resources of the Scenic Area. Standards for the extraction of mineral resources shall minimize impacts on scenic, cultural, recreation, and natural resources of the Scenic Area.~~

~~(9) MAJOR DEVELOPMENT ACTIONS AND NEW RESIDENTIAL DEVELOPMENT.—~~

~~(A) In Special Management Areas, the management plan shall allow new residential development outside areas designated for such actions or development only if the Secretary determines such actions or development would not substantially impair or detract from the scenic, cultural, recreation, and natural resources of the Scenic Area. The management plan shall prohibit major development actions in Special Management Areas.~~

~~(B) In the Scenic Area outside Special Management Areas and Urban Areas, the management plan shall allow major development actions only if the Commission determines such actions would not substantially impair or detract from the scenic, cultural, recreation and natural resources of the Scenic Area.~~

(6) EXTRACTIVE RESOURCES.—(A) ~~Surface~~ Mining on lands within the Special Management Areas shall be prohibited.

(B) ~~Surface~~ Mining outside the Special Management Areas shall be permitted only if such operations do not adversely impair or detract from the scenic, cultural, recreational, and natural values of the National Scenic Area. Such operations shall be subject to approved reclamation plans.

(7) RESIDENTIAL DEVELOPMENT.—(A) The management plan shall direct medium and high density residential development only to Urban Areas.

(B) In Special Management Areas, major development actions shall not be permitted. New residential development by the owner of record as of the date of the enactment of this Act may be permitted only if the Secretary determines that such development will not adversely impair or detract from the scenic, cultural, recreation, and natural resources of the scenic area.

(C) In the scenic area outside Special Management Areas and Urban Areas, the management plan shall allow major development actions only if the Secretary and Commission determines such actions—will not adversely impair or detract from the scenic, cultural, recreation, and natural resources of the scenic area.

(B) MANAGEMENT OF FEDERAL LANDS.—

(A) The management plan shall prohibit hydroelectric development on Federal lands.

(B) The management plan shall prohibit commercial timber harvesting on Federal lands.

(C) All Federal lands shall be withdrawn from entry or appropriation under the mining laws of the United States, from the operation of the mineral leasing laws of the United States, and from operation of the Geothermal Steam Act of 1970.

(D) The management plan shall prohibit the use of Federal lands for tramways, gondolas, and similar facilities.

(c) AGENCY CONSULTATION AND PUBLIC INVOLVEMENT.—(1) The Secretary and the Commission shall consult with Federal, State, and local governmental entities having jurisdiction within the Scenic Area or expertise pertaining to its administration. The Secretary and the Commission shall conduct public hearings and solicit public comment during the preparation of and prior to final adoption of the management plan.

(2) The National Park Service shall enter into a cooperative agreement with the United States Fish and Wildlife Service and the United States Forest Service to provide for their representation on the interdisiplinary planning team charged with the preparation and development of the management plan for the Scenic Area.

(d) REVIEW BY THE SECRETARY.—(1) Upon adoption of its portion of the management plan, the Commission shall promptly submit the plan to the Secretary for review. The Secretary shall, within ninety days after receipt of the management plan, approve the plan only if ~~unless~~ a specific finding is made that the plan is ~~in~~consistent with the standards established in this section or the purposes of this Act. Should the Secretary fail to act on the proposed plan within ninety days, the management plan shall be deemed approved.

(2) If approval is denied, the Secretary shall state the reasons for finding the plan is inconsistent with the standards established in this section or the purposes of this Act, and shall submit to the Commission suggested modifications to

the management plan to make it consistent with such standards and the purposes of this Act.

(3) Within one hundred and twenty days after receipt of notification of such disapproval, the Commission shall—

(A) revise and resubmit the plan to the Secretary; or

(B) by a vote of a majority of the membership appointed from each state plus one vote by a member from either state, reject the suggested modifications of the Secretary and adopt a management plan for the Agricultural Zone and Urban Areas in accordance with the provisions of this section and the purposes of this Act.

(e) REVISION OF THE PLAN.—No sooner than five years after adoption of the management plan, but at least every ten years, the Secretary and Commission shall revise the management plan. The Commission shall submit its portion of the revised management plan to the Secretary for review, in accordance with the provision of this section for adoption of the management plan.

(f) AMENDMENT OF THE PLAN.—If the Commission determines at any time that conditions have significantly changed, it may amend its portion of the management plan. The Commission shall submit amendments to the management plan to the Secretary for review, in accordance with the provisions of this section for adoption of the management plan.

SEC. 7. ADOPTION OF SCENIC AREA ZONING ORDINANCES.

(a) Within sixty days of receipt of final guidelines for the development of zoning ordinances, each county and Urban Area shall submit

to the Secretary and Commission a letter stating that it proposes to complete zoning ordinances consistent with the guidelines. If any county or Urban Area fails to submit such letter or fails to adopt a zoning ordinance as provided in subsection (b) of this section, the Commission shall carry out the requirements of subsection (c) of this section.

(b)(1) Within one year of receipt of zoning ordinance guidelines from the Secretary or Commission, each county and Urban Area shall develop a zoning ordinance consistent with the guidelines.

(2) Each county or Urban Area upon approval of a zoning ordinance and any revisions or variances shall promptly submit the ordinance to the Secretary and Commission.

(3) The Secretary or Commission shall, within ninety days after receipt of a zoning ordinance or revision or any variance therefrom, approve the ordinance, revision, or variance only if ~~unless~~ it determines the ordinance, revision or variance is ~~in~~consistent with the management plan.

(4) If approval is denied, the Secretary or Commission shall state the reasons for finding the zoning ordinance, revision, or variance is inconsistent with the management plan, and shall submit to the county or Urban Area suggested modifications to the zoning ordinance, revision, or variance to make it consistent with the management plan.

(5) Each county or Urban Area shall have ninety days after it receives recommendations from the Secretary or Commission to make modifications

designed to eliminate the inconsistencies and to resubmit the ordinance, revision, or variance to the Secretary or Commission for approval. Any resubmitted ordinance, revision, or variance shall become effective upon approval by the Secretary or Commission.

(6) In the event a county or Urban Area has not complied with the requirements of this section, it may thereafter upon written notice to the Secretary or Commission elect to adopt a zoning ordinance, in which event it shall comply with the provisions of this section for adoption of a zoning ordinance. Upon approval of such zoning ordinance by the Secretary or Commission it shall supercede any zoning ordinance for the county or Urban Area developed by the Secretary and Commission~~, subject to valid existing rights~~.

(c) In the event a county or Urban Area fails to comply with the provisions of this section, the Commission shall make, submit to the Secretary, and publish regulations setting standards for the use of non-Federal lands within the boundaries of the National Scenic Area~~, excluding Urban Areas identified in section 4(e) of this Act~~. The regulations shall have the object of assuring that the use of such non-Federal lands is consistent with the management plan. The regulations may differ amongst the several parcels of land within the boundaries of the Scenic Area. The regulations may from time to time be amended by the Commission.

(d) No local land use plan shall be approved unless the plan demonstrates that the local government has a planning staff with sufficient administrative and technical personnel and sufficient funding to enable the local government to regulate land use activities in accordance with the purposes of this Act and the management plan.

SEC. 8. ADMINISTRATION OF THE ~~SPECIAL MANAGEMENT AREAS.~~ NATIONAL SCENIC AREA.

(a) REGULATIONS ~~FOR THE USE OF FEDERAL LANDS.~~—The Secretary shall administer ~~Federal lands within the Special Management Areas in accordance with the laws, rules and regulations for forest and multiple-use management applicable to the national forests so that management, utilization, and disposal of timber and mineral resources will not substantially impair or detract from the scenic, cultural, recreation, and natural resources of~~ the Scenic Area in accordance with this Act and provisions of laws generally applicable to units of the National Park System, including the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1 et seq.). In the administration of the scenic area, the Secretary may utilize such statutory authority available for the conservation and management of wildlife and natural resources as appropriate to carry out the purposes of this Act. The fragile resource areas of the scenic area shall be administered on a low-intensity basis, as determined by the Secretary.

(b) LAND USE DESIGNATION.—Within two years of the date of enactment of this Act, the Secretary shall develop land use designations for the Special Management Areas. The land use designations shall be—

(1) based on the resource inventory prepared by

the Secretary and the Commission pursuant to section 6(a) of this Act; and

(2) consistent with the standards established in section 6 of this Act.

(c) GUIDELINES FOR LAND USE REGULATIONS.—(1) Within two years of the date of enactment of this Act, the Secretary shall adopt guidelines for the development of regulations for the use of ~~non-Federal~~ lands within the Special Management Areas. Upon approval, the Secretary shall promptly transmit the guidelines to the counties. ~~The guide-~~

~~lines shall require that management, utilization, and disposal of timber and mineral resources be done in a manner that will not substantially impair the scenic, cultural, recreation, and natural resources of the Scenic Area.~~

(2) The Secretary shall consult with the Commission when developing regulations for the use of ~~Federal~~ lands, land use designations, and guidelines for land use regulations for the Special Management Areas.

(d)(1) Within sixty days of receipt of final guidelines for the development of land use regulations, each county shall submit to the Secretary a letter stating that it proposes to complete land use regulations consistent with the guidelines. If any county fails to submit a letter as provided in this subsection, or fails to adopt land use regulations in accordance with this section, the Commission shall carry out the requirements of subsection (e) of this section.

(2) Within one year of receipt of guidelines for land use regulations, each county shall develop Special Management Area land use regulations consistent with the guidelines adopted.

(3) Each county upon approval of Special Management Area land use regulations shall promptly submit the regulations to the Secretary. The Secretary shall, within ninety days after receipt of Special Management Area land use regulations from each county, approve the regulations only if ~~unless~~ a

determination is made the regulations are ~~in~~consistent with the management plan and the purposes of this Act.

(4) If approval is denied, the Secretary shall state the reasons for finding the regulations are inconsistent with the management plan, and shall submit to the county suggested modifications to the regulations to make them consistent with the management plan.

(5) Each county shall have ninety days after it receives recommendations from the Secretary to make modifications designed to eliminate the inconsistencies and to resubmit the regulations to the Secretary for approval. Any resubmitted regulations shall become effective upon approval by the Secretary.

(6) In the event a county has not complied with the requirements of this section, it may thereafter, upon written

notice to the Secretary, elect to adopt Special Management Area land use regulations, in which event it shall comply with the provisions of this section for adoption of Special Management Area land use regulations. Upon approval of such land use regulations by the Secretary they shall supercede any Special Management Area land use regulations for the county developed by the Commission~~, subject to valid existing rights~~.

(e) In the event a county fails to comply with the provisions of subsection (d) of this section, the Commission shall

~~make and publish~~ submit to the Secretary regulations setting standards for the use of non-Federal lands within the boundaries of the Special Management Areas. The regulations shall have the object of assuring that the use of such non-Federal land is consistent with the management plan. The regulations may differ amongst the several parcels of land within the boundaries of the Special Management Areas. The regulations may from time to time be amended by the Secretary and Commission.

~~(f)(1) Upon approval of Special Management Area land use regulations the Commission shall promptly submit the regulations to the Secretary. The Secretary shall, within ninety days after receipt of Special Management Area regulations from the Commission, approve the regulations unless a determination is made the regulations are inconsistent with the management plan.~~

~~(2) If approval is denied, the Secretary shall state the reasons for finding the regulations are inconsistent with the management plan, and shall submit to the Commission suggested modifications to the regulations to make them consistent with the plan.~~

~~(3) The Commission shall have ninety days after it receives recommendations from the Secretary to make modifications designed to eliminate the inconsistencies and to resubmit the regulations to the Secretary for approval. Any~~

~~resubmitted regulations shall become effective upon approval by the Secretary.~~

~~(g) Regulations adopted pursuant to this section shall not apply to any parcel or parcels of land at the expiration of three years after the date—~~

~~(1) a landowner makes a bona fide offer to sell at fair market value or otherwise convey such parcel or parcels to the Secretary, unless the affected landowner agrees to an extension of the regulations; or~~

~~(2) the Secretary disapproves a proposal for new residential development upon such parcel or parcels pursuant to section 6(b)(8) of this Act.~~

~~Lands for which regulatory authority is suspended pursuant to this subsection shall be subject to Scenic Area zoning ordinances adopted pursuant to section 8 of this Act.~~

SEC. 9. LAND ACQUISITION.

(a) LAND ACQUISITION PLAN.—The Secretary shall, in consultation with the Commission, develop a plan for the acquisition of non-Federal lands and interests in lands within the ~~Special Management Areas.~~ National Scenic Area.

(b) ACQUISITION AUTHORIZED.—The Secretary is authorized to acquire by donation, purchase with donated or appropriated funds, exchange, bequest, or otherwise any lands within the ~~Special Management~~ Area~~s~~, or lesser interests therein, including scenic and conservation easements and

development rights, which the Secretary determines are needed to achieve the purposes of this Act. ~~Lands within the State of Oregon acquired by the Secretary pursuant to this section shall become part of the Mount Hood National Forest, and the Secretary shall publish a notice of such classification in the Federal Register. Lands within the State of Washington acquired by the Secretary pursuant to this section shall become part of the Gifford Pinchot National Forest, and the Secretary shall publish a notice of such classification in the Federal Register.~~ Upon adoption of the acquisition plan described in subsection (a) of this section, any further acquisitions by the Secretary shall be consistent with such plan.

(c) LAND EXCHANGES.—(1) If the State of Washington or Oregon or any private forest land owner offers to the United States any lands or interests therein within the boundaries of the ~~Special Management~~ Area~~s~~, the Secretary is authorized ~~and directed~~ to acquire such lands in conformance with the provisions of this subsection.

(2) In exercising this authority to acquire lands or interests therein pursuant to this subsection, the Secretary may accept title to such lands or interests therein and convey to the owner of such property appropriate surplus federal ~~national forest~~ lands within the States of Oregon and Washington. Lands exchanged pursuant to this subsection shall be of approximately

equal value: *Provided*, That the Secretary may accept cash from or pay cash to the grantor in such an exchange in order to equalize minor differences in the values of the properties exchanged.

(3) It is the intention of Congress that land exchanges pursuant to this subsection shall be substantially completed no later than three years after the date of enactment of this Act. No later than sixty days after the enactment of this Act, and every ninety days thereafter, the Secretary shall report in writing to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Interior and Insular Affairs of the United States House of Representives, on the status of negotiations with owners of non-Federal lands to affect the exchanges authorized by this subsection.

(d) ACQUISITION BY CONDEMNATION.—The Secretary may not acquire without the consent of the owner lands which as of January 1, 1986 ~~on the date of enactment of this Act,~~ were used primarily for educational, religious, or charitable purposes, single-family residential purposes, farming, or grazing so long as the existing character of that use is not substantially changed or permitted for change.

(e) LIMITATIONS ON EMINENT DOMAIN.—Where authorized in subsection (e) of this section to acquire land without the consent of the owner, the Secretary shall—

(1) acquire full fee title and shall not acquire less than a full fee interest;

(2) do so only in cases where all reasonable efforts to acquire with the consent of the owner such lands, or interests therein, have failed; and

(3) acquire only such land as is reasonably necessary to accomplish the purposes of this Act.

(f) In exercising authority to acquire lands pursuant to this section the Secretary shall give prompt and careful consideration to any offer made by any person or entity owning any land, or interest in land, within the boundaries of a Special Management Area. In considering such offer, the Secretary shall take into consideration any hardship to the owner which might result from any undue delay in acquiring the property.

(g) DISPOSITION OF ACQUIRED LANDS.—(1) Any lands or interests therein acquired pursuant to this section shall, in the discretion of the Secretary, be—

(A) ~~(1)~~ transferred to the administrative jurisdiction of the National Park ~~Forest~~ Service for inclusion in the National Park ~~Forest~~ System and administration in accordance with this Act; or

(B) ~~(2)~~ sold, exchanged, or leased for fair market value subject to such reservations, terms and conditions as will assure the use of such property consistent with the management plan; or

(C) transferred to the administrative jurisdiction of the State of Oregon or State of Washington or local authorities for management as parks: provided, however, there shall be a retention of a right of reversion of title to the United States if such lands are not administered in accordance with the Plan and the purposes of this Act.

(2) When any tract of land is only partly within the boundaries of the scenic area, the Secretary may acquire all or any portion of the land outside of such boundaries in order to minimize the payment of severance costs. Property so acquired outside of the boundaries may be exchanged by the Secretary for non-Federal lands within the boundaries. Any portion of land acquired outside the boundaries and not utilized for exchange shall be reported to the General Services Administration for disposal at fair market value under the

unless the Secretary determines that such land is appropriate for inclusion in the Scenic Area or adjacent National Forest System.

(h) RESERVED OCCUPANCY.—The owner or owners of improved property which the Secretary acquires may elect, as a condition of such acquisition, to retain for herself or himself, her and his heirs and assigns, a right of use and occupancy of the improved property for noncommercial residential or agricultural purposes, as the case may be, for a definite term of not more than twenty-five years, or, in lieu thereof, for a term ending at the death of the owner or his or her spouse, whichever is later. The owner shall elect the term to be reserved.

(i) TRIBAL LANDS.—The Secretary shall acquire and hold in trust for the Indian tribes with treaty fishing rights within the Scenic Area additional fishing sites for use as seasonal fishing and fish drying sites and for fishing access.

SEC. 10. INTERIM MANAGEMENT.

(a) ~~Special Management Areas~~.—(1) Not later than one hundred and eighty days after the date of enactment of this Act, the Secretary shall adopt and publish interim guidelines governing all land use activities within the Special Management Areas to prevent land uses inconsistent with the purposes of this Act.

(2)(A) Prior to the adoption of interim guidelines pursuant to subsections (a)(1) and (b)(1) of this section, the Secretary shall not approve any permits for development in the ~~Special Management Areas~~ National Scenic Area.

(B) Prior to adoption of a management plan by the ~~Commission~~ Secretary and the approval by the Secretary of land use regulations under section 8 of this Act, the Secretary shall review all proposals for new ~~residential~~ development within the Special Management Areas. The Secretary shall approve the recommendations of the governing body of a county regarding such proposals only if ~~unless~~ the Secretary determines they would result in land uses ~~inconsistent~~ with the purposes of this Act, the standards in section 6 of this Act, interim guidelines adopted by the Secretary pursuant to this section and ~~or~~ which would not adversely ~~substantially~~ impair or detract from the scenic, cultural, recreation or natural resources of the Scenic Area.

(C) If approval is denied, the Secretary shall state the reasons for disapproving the proposal~~, and shall submit to the county suggested modifications to the proposal which would result in its approval~~.

(b) ~~National Scenic Area~~.—(1) Not later than one year after the date of enactment of this Act, the Commission shall prepare interim guidelines for the governance of all land

use activities within the National Scenic Area, except for the Special Management Areas~~, and Urban Areas identified in section 4(e) of this Act~~. The Commission shall promptly transmit these interim guidelines to the Secretary for approval and then to each county.

(2)(A) Prior to the adoption of a management plan by the Secretary and Commission and the approval by the Commission of zoning ordinances for each county, the Commission shall review all major development actions, except for those within the Special Management Areas~~, and Urban Areas identified in section 4(e) of this Act~~. The Commission shall approve the recommendations of the governing body of each county and city regarding major development actions only if ~~unless~~ the Commission determines they would result in land uses ~~inconsistent~~ with the purposes of this Act, the standards in section 6 of this Act, interim guidelines adopted by the Commission pursuant to this section and ~~or~~ which would not adversely ~~substantially~~ impair or detract from the scenic, cultural, recreation, or natural resources of the Scenic Area.

(B) If approval is denied, the Commission shall state the reasons for disapproving the proposal~~, and shall submit to the county suggested modifications to the proposal which would result in its approval~~.

~~COLUMBIA GORGE DEVELOPMENT CORPORATION.~~

~~(a) LOANS AUTHORIZED.—The Secretary may make to the Columbia Gorge Development Corporation (es-~~

~~tablished pursuant to State law) to enable it to provide low-interest loans in order to further the purposes of this Act: *Provided*, That the Development Corporation shall provide low-interest loans only for use in counties which have adopted implementation measures pursuant to this Act: *Provided further*, That the Development Corporation shall not commit more than 55 per centum of the amount received from the Secretary pursuant to this subsection in one State.~~

~~(b) The Secretary may make any such loan to the Development Corporation only after entering into a loan agreement with the Development Corporation which includes the following terms:~~

~~(1) The loan to the Development Corporation shall have a maturity of thirty-five years. At the end of such period, the Development Corporation shall repay to the Secretary of the Treasury (in a lump sum) for deposit in the general fund of the Treasury the full amount of the loan and any additional amounts accruing to the Development Corporation pursuant to this subsection, except those amounts expended by the Development Corporation for reasonable administrative expenses.~~

~~(2) The money received from the Secretary, and any interest earned on such money, may be obligated by the Development Corporation only for low-interest~~

~~loans made under subsections (b) (6) and (7) of this section, except that the Development Corporation may use such money to the extent the Secretary considers reasonable to satisfy the costs of the Development Corporation in administering loans or procuring loan guarantees or insurance.~~

~~(3) Within five years after receiving a loan from the Secretary, the Development Corporation shall make loans under subsections (b) (6) and (7) of this section which, in the aggregate, obligate the full amount of the money received from the Secretary minus any amount required to satisfy the costs described in subsections (b) (1) and (2) of this section.~~

~~(4) As loans made under subsections (b) (6) and (7) of this section are repaid, the Development Corporation shall make additional loans under such subsections with the money made available for obligation by such repayments.~~

~~(5) The Development Corporation shall make available to the Secretary and to the Commission, upon request, all accounts, financial records, and other information related to loans made under subsections (b)~~

~~(6) and (7) of this section.~~

~~(6) Before the Development Corporation approves any application for a low-interest loan for which money has been made available to the Development Corporation by the Secretary, the Development Corporation shall require the prospective borrower to furnish the Development Corporation with a statement from the Commission stating that the Commission has reviewed the application and has determined that any loan received by the prospective borrower will be spent in a manner consistent with—~~

~~(A) the standards established in section 6 and the purposes of this Act;~~

~~(B) the management plan developed pursuant to section 6 of this Act; and~~

~~(C) a zoning ordinance developed pursuant to section 7 of this Act or a land-use regulation for a special management area developed pursuant to section 8 of this Act.~~

~~(7) The Development Corporation may approve any application for a low-interest loan which meets the terms and conditions prescribed by the Development Corporation and for which money has been made available to the Development Corporation by the Secretary if—~~

~~(A) the prospective borrower furnishes the Development Corporation with the statement described in subsection (b)(6) of this section;~~

~~(B) the Development Corporation determines that such borrower has sufficient financial resources to repay the loan; and~~

~~(C) such borrower satisfies any other applicable credit criteria established by the Development Corporation.~~

~~(c) In order to determine whether the Development Corporation has complied with this section, the Secretary, or such other appropriate person or entity as the Secretary may designate, shall conduct an audit at least once every two years of all accounts, financial records, and other information related to loans made under subsections (b)(6) and (7) of this section. If the Secretary determines, after conducting a hearing on the record, that the Development Corporation has substantially failed to comply with this section, the outstanding balance of any loan made to the Development Corporation under this section shall become payable in full upon demand by the Secretary.~~

SEC. 11. FEDERAL ACTIVITIES WITHIN THE AREA

(a) TRANSFER OF FEDERAL PROPERTY TO SECRETARY.—Notwithstanding any other provision of law, any Federal property located within the area may, with the concurrence of the agency having jurisdiction over such property, be transferred without consideration to the administrative jurisdiction of the Secretary for use by him in carrying out the purposes of this Act. Lands acquired by the Secretary or transferred to his administrative jurisdiction within the area shall become parts of the area. Agencies with land not transferred to the Secretary shall enter into cooperative agreements with the Secretary to insure that those properties are administered consistent with this Act.

(b) PROJECTS.—(1) No department, agency, or instrumentality of the United States may undertake or assist any project or grant any license, permit, or other form of approval for any project within the area unless the Secretary, in consultation with the Regional Commission, determines that the project is consistent with the purposes of this Act and with the management plan or the interim guidelines, or that such project is essential for the protection of public health or safety or necessary for national security or defense.

(2) As used in paragraph (1), the term "assist" includes—

(A) the sale of any flood insurance under the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.);

(B) any assistance provided by a department, agency, or instrumentality of the United States to a State or local government where such State or local government uses such assistance for purposes of a project described in paragraph (1), and

(C) any grant, loan, loan guarantee, or any other form of direct or indirect technical or financial assistance.

(c) EXEMPTIONS.—(1) Except as may otherwise be provided in the interim guidelines or the management plan, subsection (b) shall not apply to—

(A) any building or facility to be used for any military purpose;

(B) any temporary structure to be used only for emergency humanitarian assistance;

(C) any construction, reconstruction, or modification of which commenced before ~~the date of the enactment of this Act, or~~ January 1, 1986; or

(D) any repair or reconstruction of a building or facility the original construction of which commenced before ~~such date of enactment.~~ January 1, 1966.

(2) Construction, reconstruction, or modification shall be treated as commencing only when there is either—

(A) a continuous program of physical onsite construction, reconstruction, or modification, or

(B) the owner of the building or facility has entered into binding agreements or contractual obligations for such construction, reconstruction, or modification which cannot be canceled or modified without substantial loss to the owner.

(d) PROCESS.—Not less than sixty days prior to undertaking or assisting a project or granting any license, permit, or other form of approval for any project within the area, the department, agency, or instrumentality of the United States proposing to take such action shall notify the Secretary and the Commission of its proposal. The Secretary, in consultation with the Commission, shall, after notice and opportunity for public comment, make a determination respecting the consistency of any activity described in subsection (b) with the purposes of this Act and with the management plan or interim guidelines and standards. When the Secretary determines that any activity is consistent or inconsistent with the purposes of this section or with the plan, it shall notify the agency proposing to undertake, assist, license, or approve the activity.

(b) HUNTING AND FISHING.—The Secretary shall permit hunting and fishing on lands and waters under his jurisdiction within the boundaries of the area in accordance with treaty rights and applicable laws of the United States and the State of Oregon and the State of Washington. Except in emergencies, any regulations of the Secretary pursuant to this section shall be put into effect only after consultation with the appropriate State fish and wildlife department and tribes.

(c) RETENTION OF FEDERAL JURISDICTION.—Nothing in this section shall be construed to limit or prohibit any Federal action ordered by a court of competent jurisdiction or directed by a Federal agency for the protection of public health or safety, or for national defense.

(d) The Secretary may enter into cooperative agreements with the States of Oregon and Washington, or any political subdivision thereof, for the rendering, on a reimbursable basis, of rescue, firefighting, and law enforcement services and cooperative assisitance by nearby law enforcement and fire preventive agencies.

(e) Notwithstanding any other provision of law, no fees shall be charged for entrance or admission to the scenic area.

SEC. 12. OLD COLUMBIA RIVER HIGHWAY.

(a) The Secretary shall, in consultation with the Commission, the State of Oregon, and the counties and cities in which the Old Columbia River Highway is located, prepare a program to preserve and restore the continuity and historic integrity of the remaining segments of the Old Columbia River Highway for public use as a National Historic Road,

including recreation trails to connect intact and usable segments.

(b) The Secretary is authorized to acquire by donation, purchase with donated or appropriated funds, exchange, bequest, or otherwise any lands along the Old Columbia River Highway, or lesser interests therein, including scenic and conservation easements and development rights, ~~between Hood River and Mosier, Oregon, notwithstanding the proximity of such lands to lands then owned or controlled by the Secretary.~~

SEC. 13. TRIBUTARY RIVERS AND STREAMS.

(a) HYDROELECTRIC DEVELOPMENT.—

~~(1) SPECIAL MANAGEMENT AREAS.—~~Within the boundaries of the National Scenic Area, ~~Special Management Areas,~~ the Federal Energy Regulatory Commission shall not license the construction of any dam, water conduit, reservoir, powerhouse, transmission line, or any other project works under the Federal Power Act, as amended, 41 Stat. 1063 (16 U.S.C. 791a et seq.), ~~on or directly affecting any river~~ unless the Secretary determines such project will not adversely ~~substantially~~ impair or detract from the fish, wildlife, native plants or other scenic, cultural, recreation, or natural resources of the Scenic Area.

~~(2) SCENIC AREA.—Within the boundaries of the Scenic Area, the Federal Energy Regulatory Commis-~~

~~sion shall not license the construction of any dam, water conduit, reservoir, powerhouse, transmission line, or any other project works under the Federal Power Act, as amended, 41 Stat. 1063 (16 U.S.C. 791a et seq.), on or directly affecting any river unless the Commission determines such project will not substantially impair or detract from the scenic, cultural, recreation or natural resources of the Scenic Area.~~

(b) ~~White Salmon River~~ Wild and Scenic Rivers. ~~Study~~.—Section ~~5~~3(a) of the Wild and Scenic Rivers Act (Public Law 90–542, Act of October 2, 1968, 82 Stat. 910, as amended) is further amended by adding the following new subsections:

"~~(20)~~ White Salmon, Washington. The segment from its confluence with Gilmer Creek, Washington, near the town of B Z Corner, Washington, to its confluence with Buck Creek, Washington, to be administered by the Secretary of the Interior."

"( ) Klickitat, Washington: From river mile 12 to its confluence with the Columbia River: to be administered by the Secretary of the Interior."

"( ) Wind, Washington: The entire river, including its tributary Panther Creek: to be administered by the Secretary of Agriculture."

"( ) Sandy, Oregon: From the east boundary line of Section 25 and Section 36, Township 1 South, Range 4 East, W.M., Clackamas County at Dodge Park to its confluence with the Columbia River: to be administered by the Secretary of the Interior."

"( ) Deschutes, Oregon: From Pelton Dam to its confluence with the Columbia River: to be administered by the Secretary of the Interior."

(c) WILD AND SCENIC RIVER STUDIES.--Section 5(a) of the Wild and Scenic Rivers Act (Public Law 90-542, Act of October 2, 1968, 82 Stat. 910, as amended) is further amended by adding the following new subsections:

"( ) White Salmon, Washington: The segment from the source to its confluence with Gilmar Creek, Washington, near the town of BZ Corner, Washington: to be studied by the National Park Service and the Forest Service."

"( ) Klickitat, Washington: From the headwaters to River Mile 12: to be studied by the National Park Service and the Yakima Indian Nation."

"( ) Little White Salmon, Washington: The entire river: to be studied by the Forest Service."

"( ) Sandy, Oregon: From the headwaters to the east boundary line of Section 25 and Section 36, Township 1 South, Range 4 East, W.M. in Clackamas County at Dodge Park: to be studied by the National Park Service and the Forest Service."

"( ) Hood, Oregon: The entire river, including all forks: to be studied by the National Park Service and the Forest Service."

"( ) Washougal, Washington: From the headwaters to the city limits of Washougal: to be studied by the National Park Service.

SEC. 14. IMPLEMENTATION MEASURES.

(a) ASSISTANCE TO COUNTIES.—The Secretary shall provide technical assistance and grants to counties for the development of implementation measures and revisions thereof: *Provided*, That such grants shall not exceed 75 per centum of the cost of developing or revising the implementation measures and shall be made only upon application of the Commission, on behalf of the county: *Provided further*, That in the event a county fails to obtain approval of implementation measures or revisions thereof within three years after the date funds are first provided under this subsection for the development or revision of implementation measures, the Secretary shall terminate all Federal assistance ~~for any participation in the development or revision of such implementation measure,~~ and may obtain reimbursement or offset from the county of all Federal funds previously granted under this subsection.

(b) PAYMENTS TO COUNTIES.—~~(1) Notwithstanding the provisions of the Act of May 23, 1908 (c. 192, 35 Stat. 251, as amended; 16 U.S.C. 500), and of section 13 of the Act of March 1, 1911 (c. 186, 36 Stat. 961, as amended; 16 U.S.C. 500), the amount which is paid under such provisions to the State of Oregon with respect to the Gates of the Columbia Gorge Special Management Area, Mount Hood National Forest, and to the State of Washington with respect to the Special Management Areas within the Gifford Pinchot National Forest, shall be expended for the benefit of any public purposes of any county which has adopted implementation measures pursuant to this Act:~~

(1) The Secretary shall establish a program for the purpose of making payments on a fiscal year basis to each unit of local government in which private lands acquired by the Secretary for purposes of the scenic area are located. Such payments shall be made in such manner and to such extent as in the case of payments under the Act entitled "An Act to provide for certain payments to be made to local governments by the Secretary of Interior based upon the amount of certain public lands within the boundaries of such locality", approved October 20, 1976 (P.L.94-565).

(2) Subsection (b)(1) of this section shall not apply—

(A) to any amount paid by the Secretary of the Treasury under the provisions of law referred to in subsection (b)(1) at the end of any fiscal year ending before the date of enactment of this Act; or

(B) for a particular county, if the Commission determines, after notice and public hearing, that such county has taken any final action or order which is inconsistent with the management plan or any regulations, guidelines, or standards issued or other actions taken by the Secretary or the Commission under this Act.

(c) LAND ACQUISITION GRANTS.—(1) The Secretary is authorized to make grants to the States of Oregon and Washington for the acquisition of lands and waters and interests therein within the National Scenic Area.

(2) The grants authorized by subsection (c)(1) of this section shall—

(A) be made in a manner consistent with the requirements of the Land and Water Conservation Fund Act (16 U.S.C. 4601-4 et seq.);

(B) not exceed 75 percent of the total cost of all property acquired by each State pursuant to this subsection;

(C) be supplemental to any other Federal financial assistance for any other program; and

(D) be subject to such additional terms and conditions as the Secretary may deem necessary to effectuate the purposes of this Act.

SEC. 15 ENFORCEMENT.

(a) The Secretary and the Commission shall monitor activities of counties pursuant to this Act and ~~may~~ shall take such action as necessary to ensure compliance.

The Commission may employ independent legal counsel to ensure compliance with this Act.

(b) APPEAL TO THE SECRETARY AND THE COMMISSION.—Any person or entity adversely affected by any final action or order of a county relating to the implementation of this Act may appeal such action or order to the Secretary or the Commission by filing within thirty days a written petition requesting that such action or order be modified, terminated, or set aside.

(c) Civil Action to Enforce Act.—The Commission, or, at the request of the Secretary or of the Commission, the Attorney General of the United States, or the Attorney General of Oregon or Washington, may institute a civil action for an injunction or other appropriate order to prevent any person or entity from utilizing lands within the Scenic Area in violation of the provisions of this Act, the management plan, or any implementation measures adopted or other actions taken by the Secretary, the Commission, or any county pursuant to this Act.

(d) CITIZENS SUITS.—Any person or entity adversely affected may commence a civil action on his or her behalf to compel compliance with this Act—

(1) against the Secretary, the Commission or any county to the extent permitted by the eleventh amendment to the Constitution which is alleged to be in violation of the provisions of this Act, the management plan or any implementation measures adopted or other actions taken by the Secretary or Commission under this Act; or

(2) against the Secretary, the Commission, or any county to the extent permitted by the eleventh amendment to the Constitution where there is alleged a failure of the Secretary, the Commission or any county to perform any act or duty under this Act which is not discretionary with the Secretary, the Commission or any county.

(e) LIMITATION ON BRINGING OF CITIZENS SUITS.—No action may be commenced—

(1) under subsection (d)(1) of this section—

(A) prior to sixty days after the plaintiff has given notice in writing of the alleged violation (i) to the Secretary, (ii) to the Commission, and (iii) to the county in which the violation is alleged to have occurred; or

(B) if the Attorney General of the United States, or the Attorney General of Oregon or Washington, has commenced and is diligently prosecuting a civil action pursuant to subsection (c) of this section to require compliance with the management plan or any regulations, guidelines, or standards issued or other actions taken by the Secretary, the Commission, or any county pursuant to this Act: *Provided*, That in any such action any person or entity otherwise entitled to bring an action pursuant to subsection (d) of this section may intervene as a matter of right; or

(2) under subsection (d)(2) of this section prior to sixty days after the plaintiff has given notice in writing of such action to the Secretary, the Commission, and to the county in which the failure to perform any act or duty pursuant to this Act is alleged: *Provided*, That such action may be brought immediately after such notification where the violation or order complained of constitutes an imminent threat to the health or safety of the plaintiff or would immediately affect a legal interest of the plaintiff.

(f) ATTORNEY FEES AND COSTS IN CITIZEN SUITS. Attorney fees shall be awarded for civil actions instituted pursuant to subsections (d) and (e) of this section in every case in which-

(1) the citizen, corporation, association, or other person bringing the enforcement action prevails on the merits, and

(2) the citizen, corporation, association, or other person who instituted the action, or its members or directors, were not significantly financially benefitted by the enforcement property or for-profit business enterprises within the Scenic Area.

(g) ~~(f)~~ JUDICIAL REVIEW.—Any person or entity adversely affected by—

(1) any final action or order of a county, the Commission, or the Secretary relating to the implementation of this Act;

(2) any implementation measure adopted pursuant to this Act; or

(3) any appeal to the Commission pursuant to this section

may appeal such action or order by filing in any of the courts specified in subsection (b) of this section, within sixty days after the date of service of such order or within sixty days after such action is taken, a written petition requesting such action, order, implementation measure, or appeal taken to the Commission be modified, terminated, or set aside.

~~(g) CIVIL PENALTIES.—Any person or entity who willfully violates the management plan or any orders, regulations, guidelines, or standards issued or other action taken by the Secretary, the Commission, or any county pursuant to this Act may be assessed a civil penalty not to exceed $10,000 for each violation. No penalty may be assessed under this subsection unless such person or entity is given notice and opportunity for a hearing with respect to such violation. Each day a violation occurs shall be a separate offense.~~

(h) ~~(g)~~ CIVIL PENALTIES.—Any person or entity who willfully violates, or refuses to comply with, the management plan or any orders, regulations, guidelines, or standards issued or other action taken by the Secretary, the Commission, or any county under this Act may, in an action brought in the appropriate United States District Court to enforce such order, regulation, guideline, standard, or action, be fined not more than $10,000 for each day during which such violation occurs or failure to comply continues.

(i)~~(h)~~ FEDERAL COURT JURISDICTION.—The United States districts courts located in the States of Oregon and Washington shall have jurisdiction—

(1) to review any appeals taken to the Commission pursuant to subsection (b) of this section;

(2) over any civil actions brought pursuant to subsection (c) or (d) of this section; or

(3) any appeal taken pursuant to subsection (h) of this section.

(j) RETENTION OF STATE AND LOCAL JURISDICTION.—Nothing in this Act shall diminish, enlarge, or modify any right of the State of Oregon or the State of Washington, or any political subdivision thereof, to exercise civil and criminal jurisdiction within the area or of rights to tax persons, corporations, franchises, or property, including mineral or other interests, in or on lands or waters within the area.

[Or move to Sec. 17]

SEC. 16. AUTHORIZATION OF APPROPRIATIONS.

(a) There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act, except that—

(1) the total amounts authorized to be appropriated for the purpose of acquisition of lands, water, and interests therein ~~within the Special Management Areas pursuant to section 8 of this Act~~ shall not exceed $~~35~~50,000,000;

(2) the total amounts autharized to be appropriated for the purpose of acquisition of lands along the Old Columbia River Highway pursuant to section 12 of this Act shall not exceed $600,000; and

~~(3) the total amounts authorized to be appropriated for the purpose of making loans to the Develop-~~

~~ment Corporation pursuant to section 13 of this Act shall not exceed $15,000,000.~~

~~(b) Notwithstanding any other provision of law, the Secretary of the Interior shall deposit revenues from the sale of surplus public lands in Oregon or Washington under the jurisdiction of the Bureau of Land Management in the Land and Water Conservation Fund in an amount equal to that actually appropriated from the Fund pursuant to this Act.~~

SEC. 17. SAVINGS PROVISIONS.

(a) Nothing in this Act shall be construed to ~~affect or modify any treaty or other rights of any Indian tribe.~~ amend, modify, alter, or extinguish treaty or other legal rights of Indian tribes or the trust relationship existing between the United States of America and Indian tribes or tribal members.

(b) Nothing in this Act shall be construed to affect or modify the rights and responsibilities of any Federal, regional or state agency pursuant to the Pacific Northwest Electric Power Planning and Conservation Act (Public Law 96-501, 94 Stat. 2697).

(c) Nothing in this Act shall be construed to affect or modify the rights and responsibilities of the Oregon State Parks Division or the Washington State Parks and Recreation Commission.

(d) Except for the offsite disposal of excavation material, nothing in this Act shall be construed to affect or modify the responsibility of the United States Army Corps of Engineers to improve navigation facilities at Bonneville Dam pursuant to Federal law.

~~(e) Except for the management, utilization, or disposal of timber resources on non-Federal lands within the Special Management Areas, nothing in this Act shall affect the rights and responsibilities of non-Federal timber land owners under the Oregon and Washington Forest Practices Acts or any county regulations which under applicable State law supersede such Acts.~~

~~(f) Nothing in this Act shall be construed to affect current ownership or management by the Oregon State Highway Division of the old Columbia Gorge Scenic Highway.~~

~~(g) Congress does not intend that establishment of the Scenic Area and designation of Special Management Areas lead to the creation of protective perimeters or buffer zones around the Scenic Area or each Special Management Area. The fact that activities or uses inconsistent with the management directives for the Scenic Area or Special Management Areas can be seen or heard from these areas shall not, of itself, preclude such activities or uses up to the boundaries of the Scenic Area or Special Management Areas.~~

(~~h~~e) Nothing in this Act shall be construed to affect or modify any provision of Federal or State law or regulation or county ordinance which may be more protective of the scenic, cultural, recreation, or natural resources of the Scenic Area.

SEC. 18. SEVERAPILITY.

(a) If any provision of this Act or the application thereof to any person, State, Indian tribe, entity, or circumstance is held invalid, neither the remainder of this Act, nor the application of any provisions herein to other persons, States, Indian tribes, entities, or circumstances, shall be affected thereby.

○

Senator Mark Hatfield
Senate Office Building
Washington, D.C. 20510

RE: Columbia Gorge Legislation

Dear Senator:

The conservation and environmental community has reached a conceptual consensus on some basic environmental protections that should be included in the Columbia Gorge legislation. Recently, there has been some confusion as to our position. We hope this helps to clarify our basic position.

Previous proposals, while containing some laudable provisions, have always failed to address two major concerns:

1) Protection for the major tributaries and canyons of the Columbia River Gorge and

2) Designation of the Columbia River Gorge as a unit of the National Park system.

We strongly urge that Columbia River Gorge legislation should contain the following provisions:

* **Administration of the Area:** A national scenic area should be established and be administered by the National Park Service in consultation with state and local governments and other federal agencies. The Park Service is the only agency with broad expertise in the type of complex management required in the Columbia River Gorge, and similar landscapes protected near urban areas have traditionally been made units of the National Park System. The National Park Service, by virtue of its 1980 study of the Gorge, is already familiar with the management options for this area.

The economic incentives and development grants favored by many in Congress are Park Service innovations, but without National Park System protection, we fear that such subsidies will be counterproductive and contribute to the further degradation of the Gorge. In addition, some services desperately needed in the Gorge, such as river patrols to rescue wind-surfers, automatically come with National Park System designation.

* **Fish and Wildlife Protection:** A major purpose of the legislation should be to protect fish and wildlife habitat, and a specific goal of the legislation should be the protection of Columbia River salmon and steelhead runs. Hunting and fishing should continue under existing regulations and treaty rights.

* **Tributary Stream Protection:** The major tributaries of the Columbia River and their canyons should be protected from all hydrolectric dams, as well as environmentally destructive commercial logging and residential development. The lower

tributary canyons need protection as national scenic rivers or as part of the scenic area, or else they will receive the development that otherwise would go into the main Gorge corridor. Wild-and-scenic-river studies, which include a moratorium on water projects, are needed for the portions of the tributaries not otherwise protected by Gorge legislation.

* **Interim Protection:** The Act should provide interim protection for all lands within the scenic area.

* **Management Plan:** The Act should outline specific criteria to guide the agency in preparation of the management plan. For example, the Act should prohibit new hydroelectric-power projects within the boundaries of the scenic area and should prohibit the further degradation of wetlands. The legislation should provide guidelines for how federal, state and local plans are certified to be in compliance with the management plan.

* **Eminent Domain:** Eminent domain authority should apply throughout the area, but should only be used as a last resort. We support a prohibition of the use of eminent domain authority on homes and farms unless a substantial change in existing use is proposed.

The degradation of the Columbia River Gorge is increasing daily. The protection of this nationally significant landscape and natural resource cannot be delayed. This concensus minimizes land acquisition compared to traditional parks and allows compatible economic uses to continue. Moreover, tourist revenues from National Park System designation would help to bolster the local economy.

Your help is urgently needed to protect this spectacular area and to set an important precedent for the second century of the national park concept, one of the United States' most important contributions to world culture.

We appreciate your work on the Columbia Gorge, and will be pleased to provide any further information you may require.

Yours truly,

CHUCK WILLIAMS
COLUMBIA GORGE COALITION

BOWEN BLAIR, JR.
FRIENDS OF THE COLUMBIA GORGE

JOHN KARPINSKI
CASCADE CHAPTER SIERRA CLUB

JOHN CHARLES
OREGON ENVIRONMENTAL COUNCIL

DIANA HINTON
OREGON CHAPTER SIERRA CLUB

KAREN FANT
WASHINGTON WILDERNESS COALITION

CLAY PETERS
THE WILDERNESS SOCIETY

CHRIS BROWN
AMERICAN RIVERS CONSERVATION COUNCIL

AL AINSWORTH
NORTHWEST RAFTERS ASSN.

LYNN HERRING
PORTLAND AUDUBON SOCIETY

SUSAN CADY
VANCOUVER AUDUBON SOCIETY

DAVID CONRAD
FRIENDS OF THE EARTH

NICK DODGE
AMERICAN ALPINE CLUB

BILL BAKKE
OREGON TROUT

DOUG NORTH
FRIENDS OF WHITEWATER

MARYANN McCORMICK
OREGON KAYAK & CANOE CLUB

JAMES MONTEITH
OREGON NATURAL RESOURCES COUNCIL

BILL LIENESCH
NATIONAL PARKS & CONSERVATION ASSN.

SUSAN SAUL
WILLAPA HILLS AUDUBON SOCIETY

BILL McMILLAN
CLARK-SKAMANIA FLYFISHERS

RHODA LOVE
OREGON NATIVE PLANT SOCIETY

TOM McCONATHY
WASHINGTON NATIVE PLANT SOCIETY

M. SCOTT MARTIN
LEAGUE OF CONSERVATIVE VOTERS

ALAN MERCEN
WASHINGTON ENVIRONMENTAL COUNCIL

KGW-TV • 1501 South West Jefferson • Portland, Oregon 97201

" PROTECT OUR GORGE"
October 29, 1985 - 5:00 & 11:00PM
October 30, 1985 - 7:25AM

Congress must act now to protect the Columbia River Gorge. Monday night, Channel 8's documentary: "The Gorge Under Siege" pointed out the newest threats: Subdivided farms, condominiums, the loss of wildlife habitat. Pacific Northwest natives lived there for thousands of years leaving the Gorge unscathed--compare that to the white man's impact in less than two-hundred years.

We've said before: It appears obvious Oregon and Washington can not work well enough together to preserve the Gorge. Oregon has the nation's strictest controls on land use, while Washington has few zoning restrictions. The Gorge is unevenly protected. And we fear what's ahead--developers have big plans for the Gorge.

We have been told a federal bill to manage the Gorge will be drafted soon, probably calling for Forest Service management of critical lands, and a commission from Oregon and Washington to oversee the remaining area. The Forest Service should not be trusted with such a delicate task. It's in the business of selling timber. Look at the dispute over logging Bull Run's watershed...

The National Park Service has more experience dealing with sensitive lands like the Gorge. Senator Bob Packwood has generally supported a Park Service plan. We urge him to stick to it. Unfortunately, Washington Senator Dan Evans and Oregon Governor Vic Atiyeh endorse the Forest Service. We urge them to listen to Packwood.

California and Nevada have already proven a bi-state commission plan can mess up a natural wonder like Lake Tahoe. We don't want it to happen to the Gorge. It took 20 million years to create the beauty of the Gorge. Unless we act now, we could destroy it in a lifetime.

KGW-TV editorials are intended to encourage community dialogue on issues of public importance
Contact Editorial Director, KGW-TV 8, 1501 SW Jefferson, Portland, Oregon, (503) 226-5000
A Division of King Broadcasting Company

THE GORGE UNDER SIEGE

The Columbia River Gorge has always divided Oregon and Washington geographically, but in recent years the division has become much more philosophical.

Conservationists say the Gorge is under siege by developers. Many who live in the Gorge area say their home is under siege by conservationists who want to throw out the people and change the area into a big park. Regardless of what side you take, there's no denying that the Gorge is changing.

KGW-TV, Channel 8 encourages Northwest residents to become involved in this important issue. The future of our natural wonderplace lies in all of our hands.

In an effort to create a greater community awareness of the Columbia River Gorge controversy, Channel 8 has produced the documentary special, THE GORGE UNDER SIEGE. The program airs on Monday, October 28, 1985, from 8 to 9 p.m.

Channel 8 urges you to watch this program and participate by sharing your opinion.

Following are some issues and questions raised by the documentary.

1. WHEN WERE THE FIRST CITIES BUILT IN THE COLUMBIA GORGE?

From alpine meadow to arid desert, the lands of the Columbia Gorge have been shaped by many natural forces: ice, flood, volcano and, more recently, man.

People have thrived in the "wilderness" of the Gorge for thousands of years, building fishing and trading villages, navigating the churning rapids, and establishing cultural traditions ranging from art to commerce. Shortly before the backwaters of The Dalles Dam flooded one portion of the Gorge lands, archeologists unearthed clues to the vast scope of that history. They found tools and bones indicating Indians had occupied a fishing and trading village at one site for the past 10,000 years.

During most of those years, man left few marks on the land. Only during the past 150 years has man begun carving indelible imprints on the land.

Today the beautiful woods and river attract developers who envision profits from housing developments along the scenic Gorge. Highways and railroads improve access to the age-old lands. Constant winds invite a growing tourist industry of wind surfers. But many people wonder how much change the land, and the people who live there, can stand.

2. HOW HAS THE RIVER AFFECTED EARLY LIFE ON THE GORGE?

Unlike white settlers, the earlier Indians perfected methods of navigating the churning waters of the Columbia. Salmon were the Indians' staff of life, and they netted thousands of the fish each year.

In the 1700's, American, Spanish, British, Russian and French ships began exploring the West Coast in search of inland passage to the Hudson Bay. By 1800, nearly 100 trade ships had plied the waters off the coast of Oregon.

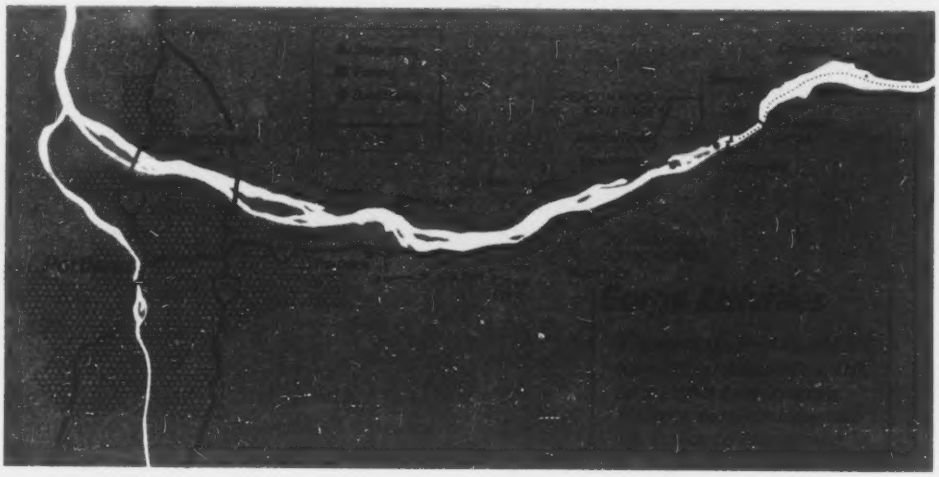
These expeditions brought both prosperity and death to the Gorge Indians. The ships carried smallpox, malaria and other diseases. A smallpox epidemic killed thousands of Indians along the Columbia Gorge in 1770. Diseases carried by the trading vessels killed about half the Indians in the lower Columbia region by 1800, shortly before the arrival of the Lewis and Clark expedition.

Because the Indians left no written history, we have learned much of what we know about the Gorge through records kept by Lewis and Clark and the other settlers who followed them.

When archeologists study the Gorge 100 years from now, what will they find?

3. HAS TRANSPORTATION HELPED OR HURT THE GORGE?

Improved transportation increased prosperity and development of the Gorge while opening the land's secluded beauty to thousands of visitors.



In the 1850s, the first steamboats appeared on the River. Pioneers first logged quantities of the ancient trees not to heat their homes or cook meals, but to fuel the ever-hungry steamboats.

In 1908, railroad magnate James Hill completed a link between Spokane, Portland and Seattle.

Close on the horizon of the Gorge's future was another force of change: the automobile.

Sam Hill, a wealthy Seattle lawyer impressed with the beauty of the area, promoted development of the Scenic Highway. In 1916 [illegible] flocked to travel the first paved highway of the beautiful Northwest.

As the 19th century drew to a close, the Gorge was no longer a frontier. Today, about 5 million tourists drive through the Columbia Gorge every year. Multnomah Falls often attracts between 5,000 and 10,000 tourists in one weekend. How will the transportation continue to change the Gorge?

4. SHOULD GOVERNMENT DECIDE THE BEST USE OF THE COLUMBIA GORGE?

Ice, wind and fire once shaped the Columbia Gorge, but today it is the ever-shifting political climate that carves the future of the region.

Scores of lawmakers, homeowners, developers and conservationists of Oregon and Washington have attempted to influence development of the land to meet their own vision of the future. A design for the Columbia Gorge has yet to take shape, but growing tourist and trade industries have already begun to leave their marks.

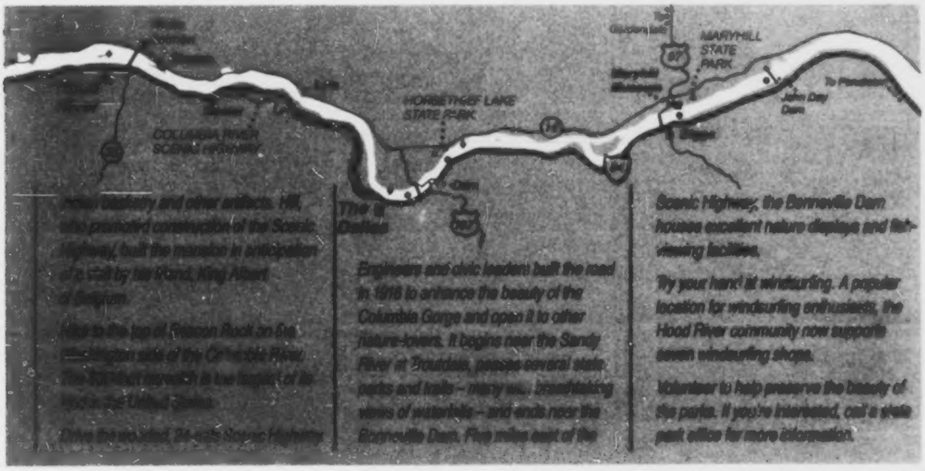
One of the main problems in deciding the future of the Gorge is that the lands belong to two states with radically different laws concerning land use and development.

Some people who seek management of the Gorge are weighing two methods of monitoring the Gorge: control by the federal government and control by a two-state commission.

Lake Tahoe is one example of an American landmark shared by two states. California and Nevada developed a commission to manage Lake Tahoe, the largest high mountain lake on the continent. But the commission approved 95 percent of all proposed projects between 1971 and 1978. The clear lake is rimmed by casinos and hotels, most built after 1960.

The federal government took over a 32,000-acre plot in Ohio to establish the Cuyahoga Valley National Recreation Area. When legislation to enact the plan was introduced, the government assured residents that it would need to buy only 35 of the 500 homes there. That estimate didn't hold true: the park service eventually bought more than 400 homes and small businesses. If the owners had not agreed to sell their property, it would have been condemned.

For the past 10,000 years, man has in some way shaped the future of the Columbia Gorge. Today, man's imprint on the Gorge is more visible and enduring than ever before. Some say it's growing too fast. How much, and how fast, can the Columbia Gorge change?



Indian basketry and other artifacts. Hill, who promoted construction of the Scenic Highway, built the mansion in anticipation of a visit by his friend, King Albert of Belgium.

Hike to the top of Beacon Rock on the Washington side of the Columbia River. The [illegible] monolith is the largest of its kind in the United States.

Drive the wooded, 24-mile Scenic Highway. Engineers and civic leaders built the road in 1916 to enhance the beauty of the Columbia Gorge and open it to other nature-lovers. It begins near the Sandy River at Troutdale, passes several state parks and trails – many with breathtaking views of waterfalls – and ends near the Bonneville Dam. Five miles east of the Scenic Highway, the Bonneville Dam houses excellent nature displays and fish-viewing facilities.

Try your hand at windsurfing. A popular location for windsurfing enthusiasts, the Hood River community now supports seven windsurfing shops.

Volunteer to help preserve the beauty of the parks. If you're interested, call a state park office for more information.

RESOURCES FOR FURTHER EXPLORATION

- Columbia Gorge Coalition, P.O. Box 155 White Salmon, Wash., 98672, (509) 493-2737.
- Columbia Gorge United, P.O. Box 328, 248 1st St., Stevenson, Wash., 98648, (509) 427-8392 or (503) 374-8565.
- Friends of the Columbia Gorge, 519 S.W. 3rd, Room 810, Portland, Ore., 97204, (503) 241-3762.
- Maryhill Museum of Art, 35 Maryhill Museum Dr., Goldendale, Wash., 98620.
- Oregon Historical Museum, 1230 S.W. Park Ave., Portland, Ore., 97205.
- Skamania County Historical Museum, P.O. Box 396, Stevenson, Wash., 98648.
- Allen, John Eliot, **The Magnificent Gateway,** Forest Grove, Ore.; Timber Press, 1979.
- Spranger, Michael S., **The Columbia Gorge: A Unique American Treasure,** Pullman, Wash.: Washington State University Cooperative Extension, 1984.
- Tuhy, John E., **Sam Hill: The Prince of Castle Nowhere,** Portland, Ore.; Timber Press, 1983.
- Williams, Chuck, **Bridge of the Gods, Mountains of Fire: A Return to the Columbia Gorge,** Portland, Ore., Friends of the Earth & Elephant Mountain Arts, 1980.

A Viewer's Guide from:

KGW-TV

1501 S.W. Jefferson Street
Portland, Oregon 97201
(503) 226-5000

gorge winds

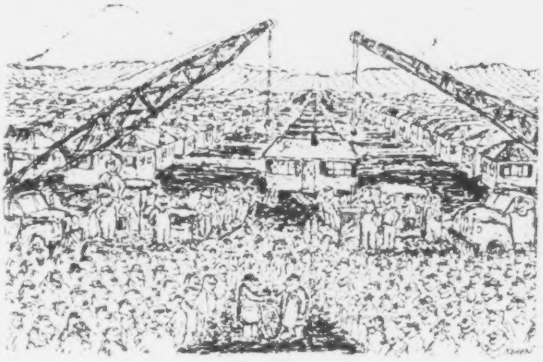
Columbia Gorge Coalition

Indian Summer 1984

NO COLUMBIA GORGE BILL THIS YEAR

Congress has adjourned, so legislation to protect the Columbia River Gorge is dead this year. However, Gorge legislation will almost surely be enacted by Congress next year; the remaining unknowns are how strong the final bill will be and how much more irreversible damage will be done to the Gorge—both before and after passage. The answers are very much in doubt.

Columbia Gorge legislation has had to wait years for Congress to finally finish Mount St. Helens and statewide Wilderness legislation. The Gorge's time has finally come—and none too soon. Inappropriate development, slowed by the eruption of Mount St. Helens and the recession, is again rampant in the Columbia Gorge. The race is on—and developers are winning.



"At last! One ~~nation~~ gorge, indivisible."

[illegible] Edward Koren

The two Columbia River Gorge bills introduced last year automatically died when this Congress went home to campaign. One or more Gorge protection bills will be introduced in early 1985, and it is likely that the Oregon and Washington delegations will look at other approaches, probably using elements of current proposals.

The bill written by the two Republican governors and championed in Congress (to our shock) by Rep. Ron Wyden (D-OR) is totally unacceptable to both sides of the Gorge controversy. The Coalition and other environmentalists oppose it because it is far too weak to actually protect the Gorge, and most opponents of protection think that it is worse than the Friends-Packwood approach, which they feel at least provides fairer compensation for landowners. The only constituency for the Governors/Wyden bill is the timber industry, which is completely exempted from the bill. This bill and approaches supposedly based on the Northwest Power Planning Council concept are, in our opinion, worse than no legislation since—as was proved at Lake Tahoe—they couldn't possibly protect the Gorge and would only serve to delay real protection.

The Columbia Gorge National Scenic Area legislation written by the Friends of the Columbia Gorge and introduced by Senator Bob Packwood (R-OR) is definitely a better bill, but it still has some serious deficiencies. The Columbia Gorge Coalition and other conservation, Indian, and sportsmen's organizations were not involved in the writing of the Friends-Packwood bill and have supported it only as a "bottom line" compromise—if passed this year!—and only with some critical amendments, especially the inclusion of protection for the fisheries and tributaries.

Now that the legislative process must begin anew, the Coalition thinks that its position, which is the original national scenic area proposal for the Gorge and was written by local residents, should be given serious consideration, especially since it includes many of the best provisions of both bills.

(continued)

COALITION

The Columbia Gorge Coalition, shortly after forming, convinced the National Park Service (NPS) to study the Columbia Gorge as a possible federal park. The comprehensive 1980 NPS study confirmed the Coalition's claims that the Gorge is threatened and that this spectacular landscape obviously deserves federal protection. The NPS study concluded that the western half of the Gorge qualifies as a national recreation area similar to the many NPS-managed parklands established near urban areas in recent years, and that the eastern half is suited for management by a local-state-federal partnership similar to a national reserve. The Coalition then proposed a Columbia Gorge National Scenic Area, which combined these two NPS recommendations, plus protection for the tributary canyons, some of which, like the Klickitat, would qualify for national parks on their own.

The Coalition strongly believes that both a federal lead agency and a regional commission are necessary, and that the real issue should be how to balance powers and responsibilities between the two. The objective should be to establish checks and balances between them so that the Gorge is actually protected, something we don't think a commission can do, while the legitimate concerns of local residents are taken into account, a task probably best done by a commission primarily composed of local and state appointees.

The Governors/Wyden approach leaves land-use decisions up to a commission dominated by the same local officials responsible for the current crisis in the Gorge, with the federal role limited to picking up the tab. The Friends/Packwood bill establishes a commission, but final responsibility for the comprehensive plan rests with the U.S. Forest Service. Both approaches have two levels of protection, with stricter regulations for those places deemed "critical areas" than for the rest of the Gorge. We have always opposed this concept of giving real protection only to those portions of the Gorge classified as "critical."

Earl Warzynski, a member of the Oregon Gorge Commission for the past seven years, passed away in late August. Serving on the Gorge Commissions is a thankless task, since commissioners have to suffer the wrath of those opposed to Gorge protection but don't have the authority to prevent adverse developments. Even so, Earl worked diligently for Gorge protection. We will all miss his friendly presence, as well as his dedication, at Gorge Commission meetings.

FOR SALE
HOODVIEW ESTATES
MID COLUMBIA LAND
767-1266 773-5279

Looking west toward Crates Point from west of Dallesport. This spectacular landscape is presently suffering a building boom that at the present rate will soon preclude protection. Beautiful Rowena Dell has already been lost to a subdivision, and Burdoin Mountain is going fast.

The Coalition thinks that it is essential that there be a core area managed by the National Park Service in the western half of the Gorge, where the situation is now so desperate, thanks to Congress' stalling, that it can only be saved by establishing a more traditional park with considerable acquisition. We are no longer as confident as we once were that a regional commission can protect the eastern half (which we refer to as a "conservation area"), in part because of the considerable subdividing and home building now going on in what was primarily an agricultural area, and in part because at similar areas elsewhere, new governors have stacked commissions with prodevelopment appointees who, critics charge, are gutting the plans (and the state appointees are supposed to help balance the usually prodevelopment local representatives). If the eastern half of the Gorge is to be successfully protected without direct federal management, then the two states are going to have to act far more responsibly than they have thus far. In other special places throughout the country where there have been local-state-federal partnerships, the states have appropriated considerable acquisition and management funds for state parks, enacted strong state zoning, and put a two-year moratorium on development to allow time for a comprehensive plan to be completed. Oregon and Washington, by contrast, have done virtually nothing in recent years to help protect the Gorge, even though it is probably the most important unprotected landscape in the Northwest.

We strongly favor the National Park Service as the lead agency for many reasons. The NPS is the agency with by far the most expertise in establishing both large parklands near urban areas and "greenline" parks (the currently vogue term for the type of partnership we are proposing for the eastern half of the Gorge), and fish and wildlife and tribal concerns will probably be better served by the Interior Department. Conservationists have generally been satisfied with the management of national forest lands on the Oregon side of the Gorge, but that task is relatively easy. They are much less happy with the Forest Service's management of Hells Canyon and Mount St. Helens. Although we want the Park Service to be the lead agency, the Forest Service should still play an important role, including management of part of the core area and tributary canyons. The U.S. Fish and Wildlife Service, which will soon have two small wildlife refuges in the Gorge, and the state fish and game agencies should also play a strong role in Gorge management. Regardless of the lead agency, hunting and fishing will continue under existing state regulations and treaty rights.

Condemnation has become a "bogeyman" used by protection opponents to scare local residents into thinking that they will be kicked out of their homes, but it is a phony issue in the Gorge battle. Ironically, the main "special interest" pushing for condemnation in Gorge legislation is the timber industry (for tax breaks). Gorge legislation will definitely prohibit the forced sale of homes, farms, and ranches, with condemnation primarily used as a last resort to prevent incompatible new developments. A future issue of this newsletter will discuss

PROPOSAL:

Mount Hood reflecting in a portion of wetlands at Steigerwald Lake. Congress recently ordered the U.S. Army Corps of Engineers to purchase these wetlands as [illegible] mitigation for damage done to wildlife by Bonneville Dam, but the Corps is stalling.

the land-acquisition controversy in detail.

The Coalition has always favored excluding the incorporated towns from Gorge legislation, so that the vast majority of local residents are not directly effected. It should, however, probably include a ban on new industries that are polluting, since many local port officials are still dyed-in-the-wool "smokestack chasers." The Friends-Packwood bill excludes the incorporated towns, but the Governors-Wyden bill, which is so weak in most respects, does not.

Neither previously introduced bill includes specific guidelines for the comprehensive plan, and this ambiguity bothers local residents on both sides of the issue (for different reasons, of course). The Coalition, for example, thinks that Gorge legislation should prohibit further mining, destruction of wetlands, and hydroelectric development and should regulate logging on private lands to minimize adverse effects on fish and wildlife. Legislation should also direct the lead agency to rehabilitate such impacted places as Government Cove, which was devastated by mining approved by Hood River County over the protests of both Gorge Commissions.

Both previous bills have as the western boundary the Sandy River on the Oregon side and Steigerwald Lake across the Columbia. We agree, except that more of popular (and threatened) Cottonwood Beach should be included on the Washington side. The area included in the Governors-Wyden bill ends at the mouth of the Deschutes River, while the Friends-Packwood bill extends the boundary on the Washington side a few miles eastward to Maryhill and the Stonehenge replica. The Coalition thinks that the boundaries need to be enlarged somewhat to protect, for example, more of the Major Creek and Catherine Creek drainages and the lower tributary canyons.

The Columbia Gorge Coalition and sportsmen and Indian groups are emphatic that Columbia Gorge legislation include protection for the tributaries, which are essential to the effort to protect and restore salmon and steelhead runs in the Columbia Basin. If these tributary canyons are not protected in Gorge legislation, they will receive the adverse developments that would otherwise go into the main Gorge corridor. To exclude protection for the tributary canyons would, in our opinion, be like cutting the branches off a tree and then "saving" the tree.

Most local conservation groups on the Washington side want Gorge legislation to include "wild-and-scenic-river" designation for the Wind and Little White Salmon rivers, which are primarily within Gifford Pinchot National Forest, and wild-and-scenic-river studies for the Washougal, White Salmon, and Klickitat rivers. Oregon conservationists want Gorge legislation to include instant designation for the lower Deschutes, John Day, and Sandy rivers (which already have some, but not enough, protection as state scenic waterways), plus studies for the Hood River and other segments. (Such federal studies include a much-needed four-year moratorium on hydroelectric projects and also consider state and local management alternatives.)

A ban on hydroelectric projects would help, but by itself won't protect either the fisheries or shorelines. For example, clear-cutting along a riverbank can ruin spawning grounds with silt from erosion and rob the stream of shelter and structure. The tributary canyons are important for wildlife, including habitat for wild turkeys along the Klickitat and winter deer range in the White Salmon Valley. The Gorge's tributaries are also invaluable for recreation, which can help the local economy. White-water rafting on the White Salmon River, for example, brings in tourist dollars, but wouldn't be possible if we and other local residents hadn't stopped the proposed dams (for now, at least). And subdivisions planned along some of the tributaries are obviously not going to help fisheries, wildlife habitat, or recreation.

The Columbia Gorge Coalition and other organizations pushing for Gorge protection are merely trying to maintain the present delicate balance between historic towns, pastoral farmlands, and natural areas, and to direct future growth to the existing towns. Our proposals are very moderate, especially considering the much-stronger protection given less-spectacular landscapes elsewhere around the country. We think that the Columbia Gorge, undeniably one of the country's "crown jewels," deserves to be a unit of the National Park System, and that unworkable "political solutions" such as the Governors-Wyden bill are an affront to Northwest residents.

Regardless of your views on the Gorge issue, this is the time to make them known since Congress is about to decide the fate of our beautiful home.

The Columbia Gorge Coalition and Friends of Indian Heaven invite you to attend our annual open house and autograph party Sunday, Nov. 18th. The festive affair will begin at noon at our office next to the library in downtown White Salmon. Many famous authors and photographers will be on hand to autograph their books, which will make great Christmas presents. We will again be showing numerous movies on wildlife and the Gorge.

This year we will also be hosting a square dance Saturday, Nov. 17th, the night before the open house. It will be held at the Turtle Island Soy Dairy in the old school house at Husum, five miles north of White Salmon on Hwy. 141, and will begin at 8 p.m. For further information, contact Sue Hall at our office (509-493-2737).

COALITION SUES OVER SUBDIVISION

The Columbia Gorge Coalition and local landowners in mid September filed legal action in Superior Court in Klickitat County to stop the further illegal subdividing of Burdoin Mountain, a spectacular natural area a few miles east of Bingen and White Salmon. The suit, prepared with help from the Columbia Gorge Legal Defense Fund, alleges that the Klickitat County commissioners, developer Fred Heany (of Pacific Rim Brokers and Boise Cascade) and others have circumvented state and county laws to illegally subdivide Burdoin Mountain and sell property without proper approval. The Snowden Community Council has joined the suit, part of which is a follow-up to one the Council filed five years ago—but lost on a technicality.

During the August 14, 1984, Klickitat County commissioners' meeting at which the controversial shortplats were approved, Chairman Fred Holly admitted that Heany was putting in roads "before the plat was approved." The county engineer, according to the minutes of the meeting, said that "while the survey for the shortplat does not comply with present state law, he would sign off on the plat if that was the commissioners desire." "The real problem," said county commissioner Daryl Spalding, "is that this (division and sale of land, building of roads, and installation of utilities) has taken place before the shortplats have been approved by the county." Despite the protests of local residents and the admitted illegalities, the county commissioners voted 3-1 to approve the six shortplats over the objections of the county planner, who had denied them. This chopping of land into small parcels is also in violation of the Gorge Overlay Zone, the zoning ordinance so widely touted by opponents of federal legislation as a "successful" alternative to a national scenic area. The Coalition's assertion that zoning cannot possibly provide real protection for the Gorge has again, unfortunately, been proven true.

From Burdoin Mountain

The Coalition and Snowden Community Council have long been concerned about Burdoin Mountain, and have watched with horror as it has been chopped into many small parcels in recent years. A former county commissioner skirted normal procedures to have the county take over maintenance of an old road to his own property. The commissioners have continually turned their heads and allowed Heany to transfer ownership of parcels, often through quick-claim deeds, into different names, including his relatives, in obvious attempts to subdivide lands without meeting subdivision laws. And now the commissioners are approving changes in zoning that will allow areas of higher density development. The Snowden Community Council has protested the dubious changes, which are against community desires, are flawed by procedural errors, and violate the county's comprehensive land-use plan. The county has responded by threatening to abolish the advisory citizens' panel.

The Burdoin Mountain-Catherine Creek-MajorCreek stretch of the Columbia Gorge has spectacular geologic formations, rare wildflowers, critical wildlife habitat, and important archaeological sites, and the Coalition thinks that much of this unique area should eventually go into public ownership so that all of us can enjoy it. This dream is rapidly fading, however, because of the building boom that began this summer in that incredible part of the Gorge escarpment between Bingen and Lyle.

Downriver, as expected, the Skamania County commissioners unanimously approved the 83-house Jung subdivision along the river just west Skamania. The commissioners, in fact, moved so quickly to approve the controversial subdivision that they forgot about public testimony, but the developer's attorneys warned the commissioners that they had better allow public comment. Later the same day, there was also a hearing in Stevenson on a water supply for another subdivision. A week later, the commissioners began to consider exempting certain shortplat applicants from the road standards normally required.

The only good news from Skamania County these days is that one of the three county commissioners, Eric Wedin, was defeated by Harold Vandenberg, a Stevenson storeowner. Wedin, like his fellow commissioners and his supporters at the *Pioneer*, has done his best to prevent local residents from voicing support for Gorge protection. He recently went so far as to publicly make personal attacks on Jeff Breckel, the executive director of the advisory Columbia Gorge Commissions, and call him a "traitor" for the high crime of talking to Senator Packwood (a known communist, we assume). Next year will be the first time in many years that there is a county commissioner in Skamania that isn't a knee-jerk reactionary on environmental issues. Vandenberg, unfortunately, will still be a lonely voice in the political wilderness that is Skamania County.

Gorge Winds *is the newsletter of the Columbia Gorge Coalition, a nonprofit organization dedicated to preserving the Gorge's spectacular scenery, wildlife, recreation, agriculture, and cultural heritage. Our directors live in the Gorge area. We are supported by private donations and welcome your generous support.*

Columbia Gorge Coalition

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Old notions ignore tourism's value

By RUSSELL SADLER

SALEM — As recession-wracked, resource-based industries close mills throughout the state, much of rural Oregon is turning to tourism. This industry is more than just a means of survival. Tourism probably will become the mainstay of much of rural Oregon's economic future.

SADLER

The question is whether civic leaders in communities outside the Willamette Valley understand the importance of this industry. History is not encouraging.

Oregon has but one national park — Crater Lake. Efforts to create national parks in other parts of the state over the last several decades have been beaten by local opposition, despite evidence that national park designation is a major influence in attracting a national, not just a local, tourist market.

In the late 1930s and early 1940s, a proposal to create a Hells Canyon National Park on the Snake River along the Oregon-Idaho border was opposed successfully by a coalition of Wallowa County lumbermen and ranchers who feared that a national park would drive them off their ranches and close their mills.

In the late 1950s, Sen. Richard Neuberger, D-Ore., suggested national park status for the Oregon Dunes between Florence and Coos Bay in an effort to diversify the South Coast's economy. Neuberger was attacked savagely by local landowners who opposed government interference with their property rights.

In both cases, national park supporters had to settle for smaller national recreation areas, a designation that preserves the scenic quality but does not attract tourists the way national parks do.

Now, as then, there is doubt that some civic leaders in rural Oregon understand the permanent changes in their local economies.

Overcutting of forests, declining beef consumption and high interest rates on production loans are closing mills and driving ranchers off their land in many parts of the state, and the people who live there don't have the national tourist market attracted to national parks to fall back on.

Recent efforts to designate the lower Grande Ronde a scenic river are being opposed by Wallowa County groups with many of the same arguments their forebears used to torpedo a national or state park in their area.

Efforts to bolster tourism in the Columbia River Gorge by establishing a national park or federal scenic area have been attacked by local businessmen and landowners even though the industrial economy in the gorge is in serious decline.

Tourism still is not received enthusiastically in much of rural Oregon even though it is at least the state's second-largest industry, and experts believe the recession has made it the state's biggest. Tourism has always been a poor cousin to industrial development. Mill wages are generally higher and producing products seems somehow more useful to some people than giving people a good time.

Coos Bay, for example, has always considered itself a hairy-chested mill town. Business meant the Weyerhaeuser sawdust pile on the waterfront. Tourism meant catering to sports fishermen and to California campers in motor homes. Coos Bay mills are closing because there no longer is sufficient merchantable timber to justify all that mill capacity; yet, civic leaders are fighting over driving on the beaches instead of making a commitment to developing a major league tourist business.

Some communities in the Columbia River Gorge still harbor delusions of industrial grandeur, while the aluminum industry slowly collapses around them; yet, they fail to cultivate their sudden, unexpected international reputation as a sailboarding hotspot. International competition last summer filled some Hood River hotels at a time other gorge hostelries were scratching for business.

Despite these obvious economic changes, many Columbia River Gorge leaders obsessively oppose measures that will make them competitive in the one industry on which they can build a future — tourism.

The entire picture is not gloomy. There are bright spots. Newport is making the transition from timber and fishing to a destination resort with a vengeance. The whole town just might suddenly sink into Yaquina Bay under the weight of new hotels, convention centers and visitors.

Bend and Redmond are aggressively trying to replace closed sawmills with smaller high-technology firms whose owners are attracted to Central Oregon's high-desert lifestyle and are furiously peddling Mount Bachelor around the country as an alternative to Rocky Mountain ski resorts.

Pendleton is virtually sold out during its annual fall Round-Up. The community is trying to broaden its tourist appeal by staging a spring Pendleton Rendezvous, a family-oriented addition to the boisterous Round-Up.

People like the late Dick Neuberger understood that selling Oregon's scenery was an inevitable part of Oregon's economic future and that preserving scenery was more than an aesthetic issue. It was an economic issue as well.

The lesson has been lost on Oregonians who listen only to the loud voices that merely echo the sounds of their own immediate self-interest. It should not be lost on the Legislature as it gropes for ways to restructure the Oregon economy.

Russell Sadler is a Salem-based syndicated reporter and commentator who contributes columns to The Oregonian.

THE OREGONIAN, MONDAY, JANUARY 28, 1985

Plan to build dam in gorge considered

By JOHN HAYES
Correspondent, The Oregonian

SALEM — A private power developer is lobbying for a $4 million state loan to build a hydroelectric project beside a U.S. Forest Service picnic area in the Columbia Gorge.

However, officials in the Oregon Department of Energy said Wednesday that they would recommend denial of the loan because of lingering questions about its economic feasibility.

A final decision on the loan is up to Lynn Frank, director of the Oregon Department of Energy. However, the loan application is scheduled to be considered by a state advisory committee during a meeting March 12 in Salem.

The hydroelectric project, sponsored by two private developers, would capture the flow from two creeks in a steep, rugged canyon in the gorge 6½ miles east of Cascade Locks.

The chief sponsor of the project, Harley Brown of Cascade Locks, predicted the power project would cost $6.8 million to build and could generate about $2 million in revenue the first year.

Roughly midway between Multnomah Falls and Hood River, the project would include about 9,000 feet of pipeline that would collect water from the creeks and funnel it to a powerhouse at a small Forest Service park near the community of Wyeth, said C. David White, administrator of the state's energy loan program.

White said plans for the project indicated that some of the construction, including the powerhouse and some power lines, would be along the southern boundary of the park.

In a report to the advisory committee that advises Frank, the canyon where the project would be built is described as "roadless, very steep and relatively inaccessible."

Nevertheless, sponsors have computed a construction cost that White said was "inconceivably low."

The project's feasibility also is based on uncertain streamflow measurements that may overestimate its generating capacity, White said.

Brown also has proposed that the state loan include funds for the construction of an operator's residence near the powerhouse, a use of state funds that was unlikely to be approved, White said.

Brown already has received a preliminary hydroelectric permit from the state Water Resources Department, but for a much smaller project design, said Thomas E. Kline, an official of the department's planning division.

Although Brown also has applied for a final state license to construct the project, the Water Resources Department was withholding action pending receipt of more information, Kline said.

Brown acknowledged that his powerhouse would be separated from the park property by only a small creek. However, he said the project would include construction of more picnic facilities near the powerhouse.

Forest Service officials so far have not agreed to the project, White said.

THE OREGONIAN, THURSDAY, MARCH 7 1985

Group buying Gorge lands

By JOHN HARRISON
The Columbian

While public attention has focused on whether the federal government should control land-use decisions in the Columbia River Gorge, a San Francisco conservation group has been quietly buying Gorge property.

As Northwest senators and congressmen debate the creation of a national scenic area or a national park in the Gorge, the Trust for Public Land is buying property for resale later as park land.

An environmentalist credits the trust with "saving our bacon" in the Gorge.

The Skamania County prosecutor, on the other hand, accuses the trust with creating a sort of fire-sale real estate market in the scenic Gorge.

The Trust for Public Land has added a new wrinkle to the ongoing controversy over the future of land-use management in the Gorge.

Trust vice president Harriet Burgess credits the non-profit organization with buying undeveloped land from willing sellers at fair prices. She said the trust directors understand the "vague uncertainty" that results from "a lot of loose talk about (potential land) condemnation" in the Gorge.

"Nobody's suggested tearing down all the homes in the Gorge," she said.

The trust, founded in 1973, is a charity that acts as a middleman between private land owners and public agencies or other non-profit groups interested in acquiring park land.

Burgess said the trust likes to avoid controversy and operate out of the limelight. But the future of the Gorge is one of the Northwest's hottest controversies.

At the moment, the staffs of Washington and Oregon congressmen and senators are working to reach a compromise on federal legislation affecting the Gorge. A national scenic area or, perhaps, a national park are possible. Many Gorge residents have fought federal legislation since U.S. Sen. Bob Packwood, R-Oregon, first introduced a bill to create a national scenic area in 1982.

The trust is becoming an important land owner in the Gorge. Since October 1983, the trust has bought seven parcels in Skamania County totaling 264.35 acres and has purchase options on three other parcels totaling 1,023.89 acres, including most of Dog Mountain just east of Home Valley. Since then, other Gorge landowners have contacted the trust offering to sell.

The trust also has a purchase option on 682 acres of the Steigerwald Lake area east of the Camas-Washougal Industrial Park. The Army Corps of Engineers is interested in the land as partial mitigation for the wildlife habitat destroyed by construction of the second powerhouse at Bonneville Dam. The property is owned by the Stevenson family of White Salmon.

"We want to save land for open space for public use," Burgess said. "We're not out to preserve the last refuge of the three-toed, green lizard or something like that. The Nature Conservancy does that and does it very well. We're in it for people."

She said the trust's first Skamania County purchase was a good example. In October 1983 the trust bought the 59.78-acre riverfront subdivision near Skamania that was platted, but never built, by Camas developer George Rizor.

"If the county had denied (Rizor's subdivision) it would have been sued by Rizor. If Rizor had gone ahead, he would have been sued by environmental groups," Burgess said. "Rizor got out of a problem; he didn't make a financial windfall, it gave everybody breathing room."

As with the trust's other Gorge purchases — 519 acres near Wyeth in 1979, now part of the Mount Hood National Forest, for example — "We're buying time so that options can remain open on that property," she said.

But the trust cannot hold on to land forever.

"We'll hold a property for as long as we can, but if we hold on for, say, 10 years and the public sector still hasn't moved (to acquire it), it probably isn't worth keeping," she said. In that case, the property is sold to whomever will by it.

Please see **Gorge**, Page **A2**

The COLUMBIAN
Sunday, March 31, 1985
Vancouver, Wash.

From Page **A1**

Burgess said she is not certain there will be a public agency buyer for the trust's current Gorge holdings, although the federal government would be a likely customer if a national scenic area or national park is created.

"The trust saved our bacon in the Gorge," said Chuck Williams of Skamania. Williams is a member of the Columbia Gorge Coalition, a group that favors a Gorge national park.

"They saved the Rizor subdivision from happening, and another across the river at Wyeth. I think they've shown that condemnation is a phony issue in the Gorge because so many people are willing to sell," Williams said.

A limited amount of condemnation, the forced sale of private land to a government agency, would be allowed by the Packwood bill.

Skamania County Prosecutor Bob Leick disagreed. "There's no market for land in the Gorge except the one created by the trust," he said. "No one wants to buy land with the threat of condemnation hanging over their head."

He said the interest in the trust among Skamania County property owners is "a natural reaction to the threat that tomorrow you're not going to be able to sell it."

Burgess agreed that "a lot of people feel threatened," but she said the trust is a group of caring people who are not trying to profit from the fears of others but offer an option that benefits both the landowner and the public. The trust is interested in undeveloped property located near existing public ownerships — not in buying people's houses, she said.

Countered Leick: "I hope they end up as the largest land owner and the biggest taxpayer in the Gorge."

The trust, however, is eligible for tax-exempt status and usually applies for property tax exemptions on its larger holdings, Burgess said.

List of properties

By JOHN HARRISON
The Columbian

A San Francisco-based trust is buying blocks of property in Skamania County, apparently for resale to government agencies and possibly in preparation for a national scenic area or national park in the Columbia River Gorge.

Since October 1983, the Trust for Public Land has purchased seven parcels totalling 264.35 acres in Skamania County. The trust also acquired purchase options on three other parcels totaling 1,023.89 acres, including most of Dog Mountain just east of Home Valley, records in the Skamania County Assessor's office show.

Most of the property or options were acquired in 1984.

Six Clark County residents were among the sellers. Vancouver attorney Robert M. Schaefer sold the largest of the parcels, 127.67 acres about four miles west of Skamania on the north side of state Highway 14. The trust paid Schaefer $485,000, the assessor's records show.

Harriet Burgess, vice president of the trust, said the trust "likes to keep a low profile" and declined to discuss specific plans for the property.

"We're buying time so that options can remain open on that property," Burgess said in a telephone interview. "We only deal with people who are willing to sell. Right now we're just buying it, holding it, and we'll see what happens."

The Trust for Public Land is a private, non-profit group that buys privately owned land and holds it for future sale to public agencies as open space. The trust gets much of its money from grants. The Ford Foundation, for example, is a major contributor.

In 1979, the trust bought 518 acres in the Wyeth area near Cascade Locks, Ore., held the property for a year and then sold it to the Mount Hood National Forest.

While the trust is buying property and purchase options, the future of land use controls in the Gorge is the topic of much discussion among Northwest senators, congressmen and their staff members.

If a national scenic area or national park is created in the Gorge, then the federal government would be a likely customer for the land now being purchased by the Trust for Public Land.

Here is a list of the Trust for Public Land interests in the Gorge.

- **George and Nancy Rizor** on Oct. 20, 1983, sold the trust 59.78 acres near Smith-Cripe Road, on both sides of state Highway 14. Price was not reported, but it apparently was between $350,000 and $500,000.
- **Roy M. Bachelder of Camas** on July 9, 1984, sold 2.8 acres between Highway 14 and the Burlington Northern Railroad tracks in the Sweeney's Corners area just east of Stevenson. Price $20,000.
- **Dorothea Gilbert of Raleigh, N.C.,** on Dec. 28, 1983, donated 1.5 acres between the railroad tracks and the river in the Sweeney's Corners area.
- **Cyril D. Gillette of Amboy** on June 15, 1984, sold 60 acres on a hill top in the Cook area. Price $40,000.
- **Thomas Hayes of Bellevue, Wash.,** has granted a purchase option on 402.01 acres a short distance west of Skamania on the north side of Highway 14. The option expires July 31, 1985.
- **Robert M. Schaefer, Vancouver,** on Aug. 29, 1984, sold 127.67 acres about four miles west of Skamania. Price $485,000.
- **Terrence and Hilma Speights of Vancouver** on Sept. 5, 1984 sold 7.6 acres on the north side of Highway 14 in the Cook area. Price $29,000.
- **Bruce R. Stevenson, Mark E. Stevenson, John L. and Laura B. Cheney, Anne Stevenson, Douglas T. and Leslie B. Campbell,** on Aug. 10, 1984, granted purchase options for two parcels on Dog Mountain just east of Home Valley totaling 621.89 acres. The option expired Dec. 31, 1984, and it could not be learned whether the option was extended.
- **Yvonne [illegible], Washougal,** on Dec. 27, 1984, sold five acres just east of the Rizor property between the railroad tracks and the river. Price $58,500.
- **Duval Corporation, Tucson, Ariz.,** on May 3, 1984, sold mineral rights for Gifford Pinchot National Forest acreage in far northern Skamania County. Price was not disclosed.

The COLUMBIAN
Monday, March 11, 1985
Vancouver, Wash.

The Columbian **VIEW** • Opinion **F**

Sunday, July 14, 1985 Page F1

Columbia Gorge Coalition
P.O. Box [illegible] · White Salmon, Washington [illegible]
P.O. Box [illegible] · Hood River, Oregon [illegible]
[illegible]

Sunrise outlines edges of Gorge cliffs and building at Oregon's Crown Point viewpoint.

Who will finally be its guardian?

Winter snowfall at the Gorge's well-known Multnomah Falls.

[illegible]

THURSDAY, FEB. 13, 1986 THE ENTERPRISE, BINGEN-WHITE SALMON, WASH.

Senate, House study Gorge legislation

By DANIEL SPATE
of The Enterprise

A total of four bills to create a National Scenic Area in the Columbia Gorge are currently before Congress, and at least one of them — which also calls for a Wild and Scenic River study on the Big White Salmon — is expected to go into committee as early as next month.

The bills include one in the US Senate and three in the House of Representatives; the Senate bill is a long-expected consensus measure among the four Northwest senators, the latest result to date of a process which began more than a year ago with a public hearing in Stevenson by Sen. Daniel Evans (R-Wash.). One of the House bills, sponsored by Reps. Sid Morrison (R-Wash.) and Ron Wyden (D-Ore.), is an identical piece of legislation; a second one, termed "99.9 percent similar," is sponsored by Oregon Rep. Les AuCoin and Washington Rep. Don Bonker. These two House bills and the Senate bill itself were all entered in Congress late last week.

The third House bill to arise is actually a resurrected version of a much earlier Senate bill; Reps. Jim Weaver (D-Ore.) and Mike Lowry (D-Wash.) entered the House bill Monday. It's reportedly identical — except for its house of origin — with 1982 legislation initiated by the Friends of the Gorge and sponsored by Oregon Senators Robert Packwood and Mark Hatfield. That bill, which died at the end of the session, was reintroduced in 1983 and died again; would have established an NSA under the direct control of the US Forest Service with advice from a 14-member regional commission. (Despite their sponsorship of the 1982 bill, both Packwood and Hatfield have joined Evans and Sen. Slade Gorton in sponsoring the current Senate bill, the first time such a bill has ever received the support of all four Northwest senators.)

Unlike the Weaver-Lowry bill in the House, the Senate consensus bill and its two close relatives in the House would establish a "two-tiered" management system in the Columbia Gorge, splitting land classification into three areas: the first of these, Urban Areas, would be exempt from restrictions applied elsewhere in the bill's 277,169-acre National Scenic Area. Cities in this category are Stevenson, Carson, White Salmon, Bingen, Lyle, Dallesport, Wishram, The Dalles, Mosier, Hood River and Cascade Locks.

The NSA itself would have two components: Special Management Areas under direct jurisdiction of the Forest Service, and all other lands within the NSA outside of urban areas. A 13-member bi-state Gorge Commission, separate from existing Columbia River Gorge commissions, would administer NSA land outside the special areas directly; county planning departments would develop local zoning ordinances for the SMAs under the direction of the Secretary of Agriculture and throughout the balance of the NSA (outside the urban areas) under the direction of the commission. Members would be appointed to staggered four-year terms, with one chosen from within each Gorge county, three appointed by each governor, and one nonvoting ex-officio member representing the Forest Service.

Commission members would be responsible for developing, within two years, a management plan consisting of a resource inventory, guidelines for adoption of county zoning ordinances to implement the plan, and a recreation plan. Should the counties fail to appoint members to the commission or fail to adopt the zoning ordinances, or should the commission fail to carry out its duties, the bill authorizes the Secretary of Agriculture to assume those tasks.

The management plan must be submitted to the Secretary of Agriculture for approval; if he disapproves it, the commission can override the veto by a two-thirds vote under the Senate bill and the Morrison-Wyden House Bill. The AuCoin-Bonker bill differs in requiring a slightly larger majority to override. (It also differs by banning development permits until guidelines are adopted, and banning surface mining and hydro development in the SMAs.)

There would be four Special Management Areas, totaling 108,284 acres. These include Gates of the Columbia Gorge with 72,514 acres; Three Mountains, 16,880 acres; Catherine Creek, 10,780 acres; and Klickitat Canyon, 8,080 acres (see map, page 3).

Within the Special Management Areas but not outside those boundaries, the Forest Service would have the authority to acquire land outright or purchase the development rights to private property, which totals 47,500 acres in the four SMAs. Condemnation of property is allowed, with the restriction that no property which on the date of the bill's enactment was used primarily for educational, religious or charitable purposes, nor any single-family residence, farm or grazing land could be condemned "so long as the existing character of that use is not substantially changed or permitted for change," according to the bill. Land acquisition would have a $35,000,000 spending limit.

The phrase "permitted for change," according to Sen. Evans' spokesman Joe Mentor, refers to the continued role of county planning departments in the SMAs; should a planning department grant a use which conflicts with the intent of the management plan, Mentor said, "the issuance of the permit would lift the prohibition against condemnation" for the parcel in question.

The condemnation language differs from the Weaver-Lowry House reintroduction of the 1982 bill, which limited condemnation to 10 percent of the NSA's 310,000 acres (as proposed by that bill), and forbid condemnation of single-family residences, farms or grazing lands used for such purposes before July 1, 1981.

Two other important measures in the current Senate legislation and the two related House measures would establish a Columbia Gorge Development Corporation, and also call for a Wild and Scenic River study on the White Salmon River.

The development corporation would provide low-interest loans "in order to further the purposes of this act," the Senate bill states. These loans would originate in turn from loans to the corporation by the Secretary of Agriculture, with a $15,000,000 limitation. Neither state could receive more than 55 percent of the funds, and loans would mature in 25 years.

The Wild and Scenic Rivers provision would amend the Wild and Scenic Rivers Act to include a study of the White Salmon "from its confluence with Gilmer Creek, near the town of BZ Corners, to its confluence with Buck Creek." Such a study could result in that part of the river becoming part of the National Wild and Scenic Rivers System.

The Senate bill encourages commercial development to take place within urban areas but allows it elsewhere in the NSA; industrial development would be limited to urban areas.

All four senators, accompanied by the two sponsors of the counterpart House legislation, held a press conference last Thursday in Washington, DC to announce the proposals.

"This bill is a consensus start, not necessarily a consensus finish," said Sen. Daniel Evans. "In all the bills I've been involved in, where we started was not necessarily where we ended up." He said there could still be substantial changes in the legislation, "but we are together on the major portions, and were not before."

"I certainly think that before the end of this Congress we will see a bill passed," Evans added.

"The guidelines in the bill are aimed at a planning effort by the Gorge commission. They will have significant authority through the guidelines ... to give guidance to what the counties ultimately will do. We still have land use generally under the aegis of local government," Evans stated.

Other participants in the conference repeated his view that the bill was "only a starting point."

"We will be dealing with other

(Continued on Page 3)

(Continued from Page 1)

provisions and objections," said Hatfield, "and I am delighted to reach the place where the four senators, who held different views on this, have a vehicle started. Ultimately a Gorge law will be in effect."

"The Gorge is a unique national treasure ... and also the 30,000 people who live and work in that area and love that area have rights which must be protected," said Sen. Gorton. "This bill will recognize the legitimate interests of all concerned with the Columbia Gorge." Gorton said local response to the bill "will result in additional changes.

"We have to hear from the people impacted by it." (Cathryn Treadwell, a spokesman for Gorton's Vancouver office, said the senator referred to local public response gained — either in person, by letter or telephone — through a hearing expected next month in Washington, DC, and was not suggesting a local hearing. If a local congressional hearing does occur, it is likely to be at the prompting of Rep. Jim Weaver, who is expected to seek Packwood's Senate seat in the next election.)

"I represent the area that has the most to lose and the most to gain from Gorge preservation, and I look forward to this as a discussion vehicle," said Rep. Sid Morrison (R-Wash.).

Under the Senate bill, the Secretary of Agriculture would provide technical assistance and grants to counties to help them draft the zoning ordinances called for by the commission's management plan; grants would not exceed 75 percent of the total county cost, the bill states.

"I think for Klickitat County there would be practically no change," Mentor suggested. "Klickitat, with its Columbia Gorge Overlay Zone, has strong protection of scenic resources and other resources. There would be some changes regarding subdivisions and short-platting in Special Management Areas, but in the scenic area proper we would anticipate very little."

Mentor said lands actually acquired by the Forest Service could return to private ownership. "Depending on the hearings, the Forest Service could be encouraged to sell land so that it would only retain development rights. We have no interest in the Forest Service becoming a farmer or timber operator.

"If you owned a farm and had no interest in it becoming anything but a farm, and were willing to accept 60 percent of its value from the feds to guarantee that it would remain a farm, then that would look to be a fairly profitable thing to do. I think land with no development rights might be very desirable."

As to the effect of the SMAs on a county's tax base, Mentor said the counties would receive timber receipts proportionate to the amount of national forest land they contain; in Klickitat County's case, parts of the Catherine Creek/Burdoin Mt. SMA and Klickitat River SMA would become part of the Gifford Pinchot National Forest. "I anticipate that (timber receipts and property tax receipts) are roughly equivalent," Mentor suggested. "It depends on how harvesting goes in that forest." He added that such receipts would not necessarily be limited to school and road improvement, as is now the case elsewhere.

Reaction between environmental groups has split over the two bills.

"Both bills (the Senate bill and the Weaver-Lowry bill) have strengths and weaknesses," said Chuck Williams, president of the White Salmon-based Columbia Gorge Coalition. He said his group favors the Park Service as a lead agency instead of the Forest Service, and wants more extensive inclusion of tributaries in the NSA.

Bowen Blair, executive director of the Friends of the Gorge, said that group "whole-heartedly" supports the AuCoin-Bonker and Weaver-Lowry bills, but not the Senate bill and its House counterpart because of concerns over weak enforcement and what Blair sees as an "automatic" override power by the Gorge Commission of any Forest Service veto.

On the other side of the political fence, Joseph Wrabek, speaking for Columbia Gorge United (which opposes federal involvement here) said his group is studying the Senate bill before it comes to any conclusions. He said Columbia Gorge United maintains its opposition to the 1982 bill as reintroduced by Weaver and Lowry. "It's no less detrimental, and no less confiscatory, than it was before — it may be worse, since the provisions are still retroactive to 1981," Wrabek said.

The Senate plan has received a tentative nod by Washington Gov. Booth Gardner, who addressed the matter at a press conference in Olympia Feb. 4.

Gardner said he favored the bill "at this juncture."

"Like every plan, there's part of it that you'd rather be different, but be that as it may, most of us are satisfied that if we can get this resolved now, we'll have a pretty good plan."

Both House and Senate bills will be reviewed by congressional committees; the House bills will go before the House Interior Committee while the Senate measure goes before the Senate Energy and Natural Resources Committee (where both Evans and Hatfield have seats).

Any bill which comes out of committee will go to the floor for a vote; from there the two remaining bills will go into conference committee between both House and Senate before any final measure is sent on for presidential approval or veto.

Mentor said the first set of hearings, in the Senate Energy Committee, will probably be in March or early April.

"LOCAL CONTROL" IN ACTION #3,187

LOCAL

5 A

Plastic tailings clutter Skamania creek

By JIM STASIOWSKI
The Columbian

SKAMANIA — A great glob of spaghettilike plastic is tangled in the brush along Woodward Creek just west of Beacon Rock. Upstream, giant wound cobras of the same white material sit on the bank, ready for the next heavy rain to wash them into the creek, which empties into the Columbia River.

The plastic is a remnant of a business that operated for probably 18 months and perhaps much longer, until the end of last summer, at Quarry Road near the entrance to the Beacon Rock State Park moorage. Some men used the site, several hundred yards north of state Highway 14, for stripping the plastic off what appears to be coaxial cables and reclaiming the metal inside. Various government agencies apparently knew the business existed, but until recently, no one took much interest in the operation, which is now abandoned.

When the rains of February started sweeping over the banks of Woodward Creek, however, the plastic washed onto rocks and into snags all the way to the river. Now there is interest in cleaning up the mess.

County Engineer Gail Swaine said, "There's a frantic effort to try to do something about it before we get more rain."

Wayne White, chairman of the Skamania Community Council, said he is organizing a volunteer effort at 9 a.m. Saturday morning at the Quarry Road. "I'd say there's at least a semi-trailer load" at the site, White said, plus more of the stuff scattered in the creek and the river.

The tangles of plastic are almost as difficult to sort out as the question of who was responsible for letting the mess get so bad. Skamania County Sheriff Bill Cloaner said he is "investigating possible criminal charges, but there's nothing in focus, nothing is clear yet."

He said the charges could be for littering or trespassing, but there is some question about who owns the land where the operation was located. Cloaner said there is "a triangle of ownership" that complicates the matter. The state Department of Natural Resources, the county and a private owner have holdings in the immediate area. Another source said the ownership is among a private individual, Crown-Zellerbach and the Bonneville Power Administration.

Skamania County does not require a business license, so the men were apparently operating legally. It also appears they had an electric powerline strung to their headquarters. The DNR and Southwest Air Pollution Control Authority at times looked into the operation, but apparently found no violations they could cite the operators for.

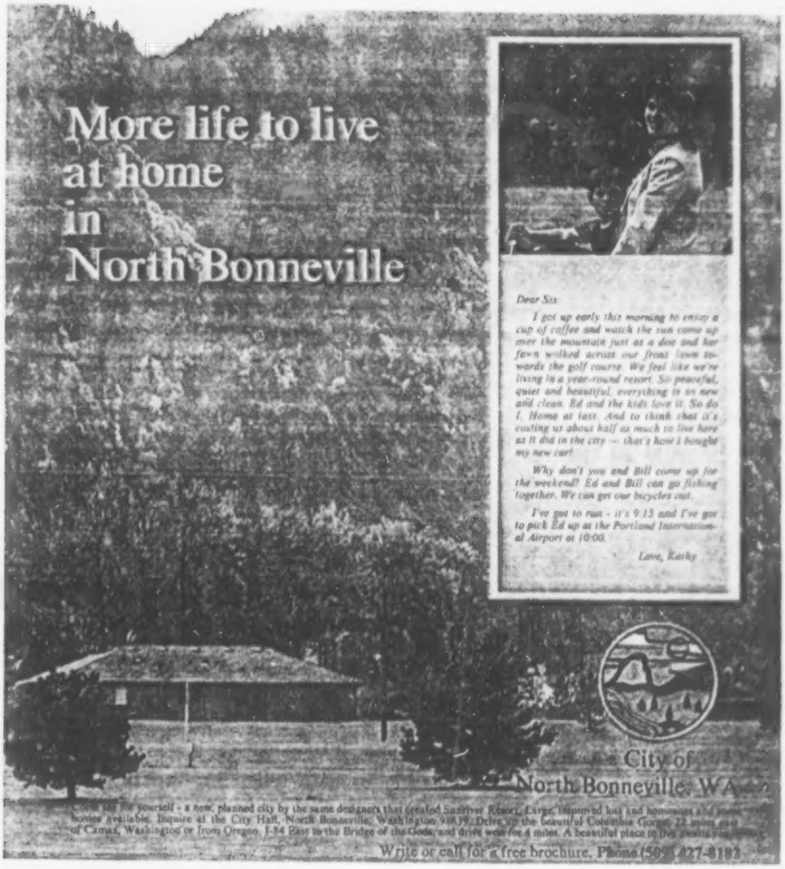
Swaine said she has heard of "the material being reported to us over three years ago," before she ~~became county engineer~~.

"This is not all black and white," Cloaner said.

But what is black and whit the tubing left over, white pla and black rubberlike material . there is a wooden shanty on grounds, with an official-look nameplate saying "office," as i mockery of the dilapidated bu ing.

"I've seen better buildings in slums of Tijuana," White said.

Wayne White trudges through the debris along Woodward Creek



More life to live
at home
in
North Bonneville

Dear Sis:

I got up early this morning to enjoy a cup of coffee and watch the sun come up over the mountain just as a doe and her fawn walked across our front lawn towards the golf course. We feel like we're living in a year-round resort. So peaceful, quiet and beautiful, everything is so new and clean. Ed and the kids love it. So do I. Home at last. And to think that it's costing us about half as much to live here as it did in the city — that's how I bought my new car!

Why don't you and Bill come up for the weekend? Ed and Bill can go fishing together. We can get our bicycles out.

I've got to run - it's 9:15 and I've got to pick Ed up at the Portland International Airport at 10:00.

Love, Kathy

City of
North Bonneville, WA

Come see for yourself - a new, planned city by the same designers that created Sunriver Resort. Large, improved lots and homesites and some homes available. Inquire at the City Hall, North Bonneville, Washington 98639. Drive up the beautiful Columbia Gorge, 22 miles east of Camas, Washington or from Oregon, I-84 East to the Bridge of the Gods, and drive west for 4 miles. A beautiful place to live awaits you.

Write or call for a free brochure. Phone (509) 427-8182

White Salmon primed for fish runs

By ALLEN THOMAS
The Columbian

Tucked away in the clear, frigid waters of the upper White Salmon River, 1.1 million young salmon and steelhead are waiting — in pools and riffles barren of sea-run fish for 70 years.

Stocked by the state, the newcomers are growing and readying for that stage in their life when they'll be overcome by the urge to migrate to the ocean.

Come spring, that urge will occur. They'll ride the spring freshets down the White Salmon and Columbia to the vast saltwater feeding grounds.

Many will perish during the downstream journey. Many more will succumb in the ocean. But a few of the coho, spring chinook and summer steelhead will survive.

The coho will be the first hit by another biological urge — the need to return to their natal stream to spawn. That will happen in the fall of 1986. The chinook will follow in the spring of 1987 and 1988. The steelhead will arrive in late summer 1988.

Returning as adults anywhere from 4 to 20 pounds in weight, the fish will travel 160 miles up the Columbia and 3.3 miles up the White Salmon. There they'll reach aging Condit Dam.

Whether the odyssey ends in their death below Condit, or the fish are passed around the dam to complete the cycle, will be determined in the next couple of years.

Since 1917, when the fish ladder on the 125-foot tall concrete dam washed out, the middle and upper White Salmon and tributaries have been without sea-run fish.

The Northwest Power Planning Council, through its Columbia River fish and wildlife restoration program, wants to see anadromous fish back in the upper White Salmon.

The council's 1982 program says the following: "The FERC (Federal Energy Regulatory Commission) shall require Pacific Power & Light (Condit's owner) to immediately design and construct facilities to allow upstream and downstream migration of anadromous fish at Condit Dam. Construction shall be completed by Nov. 15, 1985. The FERC shall require PP&L to assume full responsibility for annual operation and maintenance of these facilities."

Earlier this year, the deadline for fish passage at Condit was changed to Nov. 15, 1986 by the power council.

Studies by PP&L have shown fish passage is feasible, with a trap-and-haul program the best alternative for adult fish headed upstream.

Government fish biologists have agreed tentatively on hauling coho to the upper end of Northwestern Lake, the small reservoir behind Condit. Spring chinook and steelhead could be trucked to upstream of a large waterfall at river mile 16.2.

The Washington departments of Game and Fisheries, plus the National Marine Fisheries Service, have been studying survival rates of young fish planted in the tributaries, survival rates of fish flushed over Condit and the need to screen irrigation pipes and ditches.

Biologist Kevin Bauersfeld of the Department of Fisheries said 500,000 young coho have been put in Buck, Rattlesnake, Mill and Spring creeks, all tributaries below the large waterfall.

Approximately 350,000 spring chinook were stocked in the main White Salmon and Trout Lake Creek last summer.

"We tried to duplicate the situation that would be there if there is passage — spring chinook in the upper watershed and coho down low," said Bauersfeld.

Condit Dam's fish ladder washed out twice, the last time in 1917

The White Salmon and its tributaries have fish spawning and rearing habitat, said Bauersfeld.

"We concluded that," he said, "There's a fair amount of existing and potential habitat."

"Existing" habitat is where fish could migrate now if passed around the dam, he said. "Potential" habitat is where fish could spawn and rear if passage is improved, such as removing logjams or building fish ladders.

Experimental flushing of salmon over Condit resulted in 85 to 90 percent survival, depending on which gate the water was spilled through, added Bauersfeld.

Bruce Crawford, regional fishery biologist for the Washington Game Department, said 285,000 tiny summer steelhead were stocked last summer in the White Salmon plus Buck, Rattlesnake, Trout Lake and Little Goose creeks.

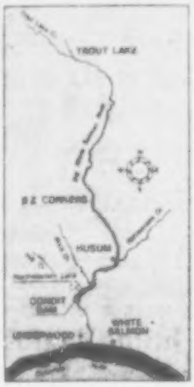
Experimental flushings of steelhead over Condit produced about 75 percent survival, he said.

His agency did a population estimate on survival in Buck Creek. The data will be extrapolated and applied to the stream mileage in the basin to estimate the drainage's steelhead production potential.

The lower White Salmon already is one of the top summer steelhead spots in Washington. Punchcard data from 1983 shows the river below Condit yielded 1,306 steelhead, ranking it No. 8 in the state and ahead of such rivers as the East Lewis, Klickitat, Washougal and Cowlitz.

The river yielded about 80 salmon, mostly fall chinook, in 1983.

Jim Ceballos, a National Marine Fisheries Service biologist, said his agency financed a study of irrigation diversions in the White Salmon River in 1983.



Twelve to 14 sites — ranging from ditches to submerged pumps — were examined and the costs of screening estimated.

Ceballos said the Washington Department of Fisheries has the capability to build and install the screens, if someone comes up with money for the materials. The NMFS study figured the screening could cost $1,000 at each spot.

Bonneville Power Administration may be a financing source, he added. Washington has a law that permits the Department of Fisheries director to order water users to screen irrigation withdrawls and to impose a deadline.

"We don't want to do this, as it would create opposition among the landowners," said Ceballos.

The Northwest Power Planning Council's staff has done little in the past year regarding Condit Dam, mostly because other portions of the fish plan have taken priority, said council biologist Mark Schneider.

"The council emphasis on the need to provide passage has not changed," said Schneider. He added that he hopes Pacific Power & Light and the fishery agencies can come to a consensus on what needs to be done at Condit, and not become adversaries before the Federal Energy Regulatory Commission.

"PP&L would have preferred to cooperatively continued the studies identified in the passage feasibility report and developed a well-documentable, acceptable recommendation for the project," said Ed Weiss, manager of the environmental services for the Portland-based utility.

The power council plan says FERC "shall require" Pacific to provide passage, he said. FERC has not ordered Pacific to do so.

"FERC licensed that project (Condit Dam) and it is being operated correctly according to the license," said Weiss.

The COLUMBIAN Thursday, Dec. 20, 1984
Vancouver, Wash.

Columbia Gorge Coalition
P.O. Box 155 • White Salmon, Washington 98672
P.O. Box 895 • Hood River, Oregon 97031
[illegible]

For seven years now, the Coalition and other local conservationists have successfully fought dams on the White Salmon River, but it still does not have the protection, and another could file new dam applications anytime. The Coalition is insistent that the proposed Columbia Gorge National Scenic Area boundaries be extended up the White Salmon at least [illegible] in order to include the main whitewater stretch, which is [illegible] important to the local economy.

THE COLUMBIA GORGE COALITION IN THE NEWS

Gorge scenic area hearings scheduled

By JOHN HARRISON
The Columbian

Two public meetings are scheduled for the week of June 10 to discuss boundaries proposed by Sen. Dan Evans, R-Wash., for a scenic area in the Columbia River Gorge.

Dates and times have not been set, but one hearing will be in Stevenson at the Rock Creek Center and the other will be at the visitors center on the Oregon side of Bonneville Dam, a spokeswoman for Evans said Friday.

Evans has proposed boundaries for a scenic area that would be created by federal legislation. He has not yet introduced a bill, preferring first to establish boundaries and to map critical scenic, cultural or historic areas that might be purchased by the government for such an area.

Sen. Bob Packwood, R-Ore., also has proposed a national scenic area in the Gorge. It is slightly larger than the area proposed by Evans, but both stretch from Washougal to Maryhill, about 85 miles. Packwood's proposed scenic area would contain about 250,000 acres, Evans' about 231,000 acres.

Unlike the Packwood scenic area, the Evans' boundaries exclude Rock Creek and an area north of Stevenson. The Carson area also is excluded.

Joe Wrabek of Cascade Locks, Ore., director of Columbia Gorge United, a group opposed to a federal scenic area, said the amount of property proposed by Evans for acquisition is more bothersome than the boundaries. Evans has proposed about 37,550 acres for purchase. Packwood would limit federal condemnation purchases to 10 percent of the total area, or about 25,000 acres.

"We'd suggest that removing that much land (37,000 acres) from the tax rolls would be disastrous," Wrabek said.

The Evans' boundaries worry Chuck Williams, director of the Columbia Gorge Coalition, a group that favors a national park in the Gorge.

He said the Evans area should be enlarged. Bluffs east of White Salmon should be included in the scenic area, he said. Major Creek east of White Salmon is included, but Williams said the boundary should be extended another mile north to the area of Mountain Brook School.

The eastern boundary of the Evans area is about five miles west of Highway 97 and probably should be extended to the highway bridge, Williams said.

Williams said his group also is going to fight Evans' exclusion of Prindle and Skamania from the scenic area.

Sunday, May 19, 1984
Vancouver, Wash.

Gorge workshop survives initial glitches

By JOHN HARRISON
The Columbian

BONNEVILLE DAM, Ore. — It wasn't the best beginning for three days of public workshops on the future of the Columbia River Gorge: the sound system didn't work, and the moderator's chair broke.

Nevertheless, panels of experts on subjects such as recreation, hunting, fishing and timber resources in the Gorge spent Wednesday sharing their knowledge with representatives of three U.S. senators and Washington's governor.

An audience of about 70 strained to hear the comments in an old gymnasium in the cluster of government buildings at Bonneville Dam. Moderator Joe Mentor, an aide to Sen. Dan Evans, R-Wash., had trouble with his folding metal chair.

Evans and U.S. Sens. Slade Gorton of Washington and Mark Hatfield and Bob Packwood of Oregon, all Republicans, arranged the meetings to gather information to use in preparing legislation to establish land-use management controls in the Gorge. The senators were not present Wednesday, but members of their staffs were, joined by Dave McCraney, executive policy analyst for Washington Gov. Booth Gardner.

Evans recently released maps that defined potential boundaries for a land management area in the Gorge, possibly a national scenic area. Packwood has proposed a national scenic area in the Gorge, but the boundaries are slightly different.

Panelists Wednesday included Keith O'Neil of the Washington Department of Game Vancouver office, who discussed wildlife in the Gorge, and Doug Dompier, a biologist for the Columbia River Intertribal Fish Commission. Dompier said Major Creek and the Klickitat River, both tributaries of the Columbia in Klickitat County, need protection for their fish runs. Dompier said the fish commission also is concerned about the harmful effects of logging, construction and hydroelectric dams on Columbia tributaries.

Russ Jolly of Portland, an expert on wildflowers in the Gorge, said 55 plant species on the Washington side of the Gorge are considered endangered, and 53 on the Oregon side. He said probably the most important wildflower area in the Gorge is around Major Creek. Another important area is just west of Horsethief Lake State Park, about 20 miles east of Bingen, he said.

"The gravel mining that is occurring east of Bingen is really a tragedy," Jolly said. "It destroys the botanical resources and the scenery, and that is some of the most beautiful scenery in the Gorge."

During a break Wednesday, McCraney said he is attending the meetings primarily because Gardner is interested in legislation affecting the Gorge, but also because Gardner is concerned about protecting fisheries throughout the state. Gardner already has voiced his support for federal Gorge legislation.

Some environmental groups are pushing for protection of Gorge tributaries under the federal Wild and Scenic Rivers Act, but McCraney said Gardner is not convinced that is necessary.

Oregon Gov. Victor Atiyeh did not have a representative at the meeting.

Mentor said he hoped the four Northwest senators "can begin meeting next month to see if there's common ground" for Gorge legislation.

The workshop discussions continue this evening with a public comment period beginning at 7:30 p.m. at the Rock Creek Community Center in Stevenson.

Friday's schedule, at Rock Creek Center, includes a 9 a.m. discussion of areas that could be exempted from Gorge legislation in Washington, and a 2 p.m. discussion of the effects of federal land purchases on the Washington side of the Gorge on land values and the economy.

Thurs., June 13, 1985
Vancouver, Wash.

Bull Run hydro plan gets board's tentative OK

By JOHN ENDERS
of The Oregonian staff

EUGENE — The Oregon Water Policy Review Board approved a proposed order Thursday that would allow the Portland Water Bureau to divert water from the Bull Run River for hydroelectric power generation.

The board voted 5-2 in favor of the proposal, despite strong opposition from environmental, recreation and angling interests. It stopped short of handing down a final order in the matter, however. Opponents have until March 28 to submit objections to the order.

A final order date was set for April 4. Opponents said they might challenge an appeal of a final order approving the project in the courts.

Portland accepted major seasonal restrictions on its operation of the diversion plan that were recommended by the Oregon Department of Water Resources. Hearings on the project began in 1982 and resumed again last year.

Portland wants to draw 170 cubic feet per second of water from the Bull Run River above its confluence with the Sandy River and run the water through city-owned combination pump-generators at backup well-water sites in Northeast Portland to generate electricity.

The water then would be released into the Columbia River, bypassing its normal route through the lower Sandy River. The electricity generated would be sold to Portland General Electric Co. under the terms of an agreement between the city and PGE.

The city, which already has spent $1.8 million on the project, needs a permit from the Water Resources Department to divert Bull Run water. Opponents have claimed the project would severely harm the Sandy River fisheries habitat, and boating and other recreation on the river, and would bring little economic benefit to Portland.

Portland officials, however, say the project would bring from $100,000 to $200,000 into the water fund and deny the project would harm the Sandy River in any way.

Opponents include the Multnomah County Parks and Recreation Division, which runs Dodge and Oxbow parks on the Sandy River; Sandy River landowners Arch W. Diack and Samuel L. Diack; the Portland Area Recreation Coalition; The Nature Conservancy; and the American Hellenic Educational Center.

Other opponents are River Trails Inc., a river-rafting company in Troutdale; and Oregon Trout, a statewide fishermen's association. The city of Troutdale also has objected to the plan but was not a party to the contested hearings.

After Thursday's board ruling, opponents said the diversion plan would violate the state Scenic Waterways Act, which they said the water policy board was required by law to enforce. About 11 miles of the lower Sandy River is designated as a state scenic waterway.

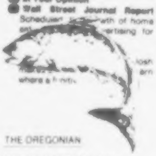
Portland officials had argued that a delay in making a decision on the matter would jeopardize the city's contract with PGE to provide power over a 20-year period. Under terms of that contract, Portland must begin providing electricity to PGE Nov. 1 and must have performed 250 hours of tests on the generation equipment before that time.

Under the conditions approved by the water policy board and accepted by Portland, the system may not be operated from June 1 to Dec. 1, low-water months. Also, in May, a minimum stream flow of 1,500 cubic feet per second must be maintained in the Sandy River on weekends to allow boats to use the river.

Lorna Stickel, one of two water policy board members voting against the plan, criticized the board's action. "There is no need for hydro power at this time," she said.

Stickel also said the board had not properly looked at the scenic waterways aspects of approving the project. Board member Kessler Cannon also voted against the order, but did not give his reasons.

—6:15 P.M.—
10 National Geographic Explorer "Amateur Naturalist"
—6:30 P.M.—
ABC News (CC)
Fishing The West "Klickitat Summer Steelhead" "Steelhead George" Maki day-drifts one of southwest Washington's all-time great Steelhead streams.
In Your Opinion
Wall Street Journal Report Scheduled: ...wth of home ... ertising for ... losh ... ern where a ...



THE OREGONIAN
FRIDAY, MARCH 22, 1985

Columbia Gorge protection may set precedent

By CHUCK WILLIAMS

The COLUMBIAN

Sunday, August [illegible] 1983

Making new parks becomes more and more difficult as near-wilderness landscapes disappear. This country's first century of establishing national parks focused on preserving spectacular areas in a natural state. Although a great many of the remaining areas deserving national park status are already too developed to be traditional national parks, they still need federal protection.

One of these areas, the Columbia River Gorge, could be the next federal parkland. If, as appears increasingly likely, Congress designates the Columbia Gorge a national scenic area, another important precedent will be established for "greenline" parks, where wilderness is interspersed with regulated private lands.

Unfortunately, Gorge protection is not a good guy versus bad-guy issue. Industrialization, residential sprawl, mining and clear-cutting are changing the Gorge. Two states and more than 50 governments and agencies have jurisdiction. Both supporters and opponents of a national scenic area represent much broader interests than are usually found in battles over new parks, and the diverse players, while providing good drama, make finding a balance between preservation and development next to impossible. Elected officials for decades have deferred making hard decisions. Now a crisis is at hand.

"The Gorge" is where the Columbia River cuts through the Cascade Range, dividing Oregon and Washington. The meeting of the Northwest's largest river and greatest mountain range is spectacular — a deep canyon, the only sea level gap through the Cascades between California and Canada.

The Lewis and Clark expedition, the first non-Indians to travel through the Columbia Gorge and return, entered the deep crevice from the east in 1805. During their journey through the 100-mile-long Gorge, the travelers methodically recorded the rapid transition from "cold desert" to oak-studded grasslands to temperate rainforest. The first interruption in their peaceful float trip was a portage around Celilo Falls. A few hours downstream, the explorers encountered Long Narrows, a prime fishing spot where the Columbia turned on its side to slip through a deep slot in the rock. Downriver, the Columbia was again calm, and oak and ponderosa pine began to cover the canyon walls. By the time the explorers reached the last obstacle, the Great Cascades of the Columbia — rapids formed by a massive landslide only a few hundred years earlier — the vegetation had changed completely. The cliffs towering thousands of feet above the expedition were clothed in green plants, highlighted by the yellows and reds of lichen and autumn leaves. The party had entered a lush forest of giant cedars, Douglas firs, and ferns.

Just below the Great Cascades, Lewis and Clark noticed that the river level was affected by tides, even though the Pacific was still more than 100 miles away. Past the twin portals of Crown Point and Cape Horn, the Gorge abruptly ended; the explorers floated through fertile flatlands, where the cities of Portland and Vancouver would be built.

Lewis and Clark, and naturalists who came later, were awed by the Gorge's diversity of plants: more than 800 species, of which 58 now are listed as either endangered or threatened.

The Gorge's stunning beauty has long been recognized. Naturalist John Muir compared it to his beloved Yosemite Valley. But its role as the Northwest's main transportation corridor and its great capacity for hydroelectric power generation doomed its chances of remaining wholly wild. Communities grew on both sides of the river; railroads and highways were built. Three massive dams — Bonneville, The Dalles, and John Day — turned stretches of the Columbia into placid reservoirs, which flooded Celilo Falls, the Long Narrows and dozens of important historic sites.

The challenge now facing conservationists is how best to save what's left of the Gorge — how to maintain the delicate balance among wilderness areas, farmland and towns while also ensuring that local residents are treated fairly.

It will not be easy. Forty thousand people live in the Gorge, primarily in larger towns. Degradation is accelerating, but the "enemy" is elusive: the same everyday growth activities that have changed most of the nation's natural areas into swaths of homogenized development. The main difference is that almost everyone familiar with the Gorge considers it one of the country's "crown jewels," deserving of protection.

Drives to protect the Columbia Gorge have blossomed periodically in this century, but faded away after a few more imminently threatened parcels were put into public ownership. The 1915 opening of the Old Scenic Highway from Portland into the Gorge, the first paved highway in the Northwest, brought national attention to the area and spurred protection efforts. The U.S. Forest Service set aside much of the Oregon side of the Gorge as a park. The highway, with its elaborate masonry, was a work of art, and great care was taken to minimize its intrusion into the Gorge. (Interstate 84, constructed through the Gorge in the 1950s, obliterated much of the old road.)

Bonneville Dam, built by the U.S. Army Corps of Engineers in the heart of the Gorge in the 1930s, sparked the area's first environmental battle. Industrialists, who envisioned the Gorge as the "Pittsburgh of the West," planned steel mills and other plants. Gorge lovers were appalled, and a federal commission was established to study the situation. Its report, one of the country's first environmental impact statements, called for establishment of a recreation area. World War II sidetracked protection efforts, but the commission helped to block the planned steel mills.

Extensive clear-cutting around unprotected waterfalls in the 1950s brought renewed battle, but these also faded without leading to protection of the Gorge as a whole. Washington and Oregon each established a Columbia River Gorge Commission, with members appointed by the governors, but the commissions have never had regulatory powers or the means to purchase threatened lands.

Chuck Williams, co-founder of the Columbia Gorge Coalition, is the author of "Bridge of the Gods, Mountains of Fire," a book about his Indian ancestors in the Gorge. He is currently working on a book about hiking in Mount St. Helens.

——— *Continued*

THE OREGONIAN, FRIDAY, AUGUST 19, 1983

Columbia River Gorge protectors forming legal-defense fund

By DAN HORTSCH
of The Oregonian staff

Several organizations seeking to protect the Columbia River Gorge from development said Thursday they are forming a legal-defense fund to stop encroachment in the area.

The legal thrust in the battle over management of the gorge would be separate from legislative efforts to protect the scenic river that forms part of the boundary between Oregon and Washington, representatives of five organizations said at a Portland media conference.

In addition to announcing the plans for a legal-defense group, the representatives said they opposed the gorge management legislation offered by the governors of the two states.

The plan, introduced in Congress earlier this month, "might be worse than no legislation at all," said Chuck Williams of the Columbia Gorge Coalition.

The lack of a real federal presence on the bill's proposed commission, combined with local control of the panel, would "give the illusion of protection" and allow continued development, he said.

The organizations represented Thursday support a gorge-protection bill that would give the federal government a major role in managing the gorge.

That bill, introduced by Sen. Bob Packwood, R-Ore., also is supported by fellow Oregon Republican Sen. Mark Hatfield and by Oregon Democratic Reps. Les AuCoin and Jim Weaver.

Speaking on the issue Thursday were, in addition to Williams, Bowen Blair, executive director of Friends of the Columbia Gorge; Bruce Apple, representing Oregon and Washington affiliates of the National Wildlife Federation; Mike Uhroff, representing the National Audubon Society; and Jim Blomquist, Northwest representative of the Sierra Club.

Blair said the problem with the bill supported by Gov. Vic Atiyeh of Oregon and Gov. John Spellman of Washington is that it "has completely removed the federal role from management of the gorge." The bill would establish a commission with 14 voting members, at least 10 of whom would be from gorge counties, he said.

The federal government, he added, "is the only entity with the experience, skills and resources to protect the gorge."

Some forces in gorge counties, particularly in Washington, oppose any federal role in managing the gorge.

Speakers said residents must have a say in management of the gorge, and they praised the two governors for arriving at some kind of agreement. The governors' approach, however, is not enough, the speakers said.

The battle heated up again in the mid-1970s. Port districts in the Gorge, armed with millions of dollars of federal economic development funds, embarked on a vigorous drive to bring heavy industry to the Gorge; residents began to organize and lead the fights against subdivision and industrialization of their home. Several proposals were stopped, mostly by lawsuits: a zirconium plant at Dallesport, in the eastern end of the Gorge; efforts to fill and industrialize the Steigerwald Lake wetlands at the western entrance to the Gorge; a barge terminal at popular Cottonwood Beach; a tramway up the Gorge's escarpment; and industrialization of Wells Island, a heron rookery.

Confronted by what they viewed as never-ending attacks on their homes, local residents slowly came to realize that, in spite of many victories, they had neither time nor resources to fight all destruction on a piecemeal basis. Leaders of environmental groups in 1979 incorporated as the Columbia Gorge Coalition. The coalition persuaded then-Interior Secretary Cecil Andrus that the Gorge was a nationally significant landscape. Andrus directed the National Park Service to conduct a study, the first step in the long process toward federal protection.

The study outlined practical options, including strengthening the authority of advisory commissions and establishing a park or national recreation area. Coinciding with the study's release in early 1980, the Columbia Gorge Coalition proposed a national scenic area, with the eastern half of the Gorge to be managed by a regional commission, the western half by the National Park Service and protection extended to tributary canyons. The Park Service and a regional commission would draw up and implement a comprehensive plan. Counties would administer zoning provisions, but the Park Service and commission would have veto authority.

But in mid-1980, events began to take a turn for the worse. Mount St. Helens erupted, burying the rapidly growing publicity given to Gorge protection, and then a president openly hostile to new parks was elected. It was obvious that a grass-roots campaign would no longer have the clout to ensure Gorge protection.

"I don't want to be known as part of the generation that lost the Columbia River Gorge," says Don Clark, who early in 1981 — as the top elected official in Oregon's Multnomah County — helped round up support for a new group, Friends of the Columbia Gorge.

Skamania County, across the river from Multnomah, handed Clark a perfect organizing tool. County commissioners approved a large, apparently illegal subdivision miles away from the nearest community — and directly opposite the Gorge's most renowned waterfall, 620-foot-high Multnomah Falls.

Development is occurring throughout the Gorge, but Skamania County has long been conservationists' chief concern. The county has no zoning, and its commissioners consistently have approved development projects. Multnomah County officials and Washington's Columbia Gorge Commission complained about the proposed subdivision, but Skamania commissioners told them to stay out of the matter. Then Oregon's Columbia Gorge Commission and some local residents filed a lawsuit. The court ordered a halt to construction.

Tom McCall, the popular former governor of Oregon, had appeared on Portland television to alert viewers to the subdivision and other threats to the Gorge. "What do these developments signify to me?" he asked. "Very simply, and appallingly clearly, they shout that the Columbia River Gorge is a goner! And in my lifetime." Former Govs. Dan Evans of Washington and Bob Straub of Oregon also added their names to the growing list of supporters of a Columbia Gorge National Scenic Area.

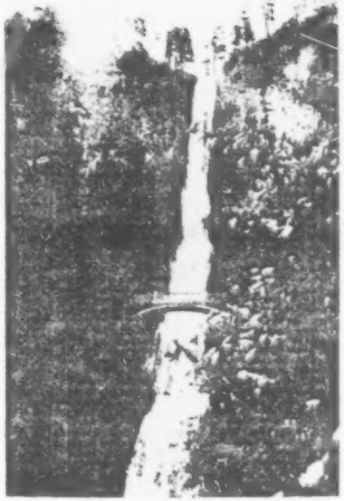
Oregon's present governor, Victor Atiyeh, at first fought Gorge protection. But he soon came around. In 1981, he released his own plan, which was similar to conservationists' proposal for a national scenic area.

With the governor's change of heart, nearly all top Oregon politicians supported the national scenic area proposal, at least in concept. Friends of the Columbia Gorge — aided by volunteer help from prominent attorneys — by mid-1981 had drafted a proposal for a compromise bill. It got results. FCG obtained endorsements from such unlikely allies as the chairmen of Weyerhaeuser Company and Pacific Power & Light, thus diluting timber industry and utility opposition. Backing a Columbia Gorge National Scenic Area has thus become almost a civic duty in some places, and public officials, especially on the Oregon side of the Gorge, are taking stands favoring federal legislation.

Still, some opponents paint the battle as one of urban elitists, the "Portland wine and cheese set," trying to take away the livelihood and rights of poor, rural folks.

"The gorp-for-lunch bunch is threatening our way of life here in the Gorge," says editor Ed McLarney in his weekly Skamania County Pioneer. "We are an endangered species, little counties like ours."

In addition to the usual "elitist" and "lock-up" arguments, McLarney and other park opponents make three basic claims: that no threats to the Gorge exist, that Gorge residents are united against federal involvement, and that a national scenic area will rob local residents of their rights as U.S. citizens.



"Skamania County commissioners approved a large, apparently illegal subdivision . . . directly opposite the Gorge's most renowned waterfall, 620-foot-high Multnomah Falls."

Real estate agents, however, confirm claims by park advocates that the suburbanization of the Gorge is well under way. "It's just a matter of time before that area becomes part of the great Portland-Vancouver area," said one.

While Skamania County is the center of the controversy, there are plenty of problems elsewhere in the Gorge, including on Oregon's side, where subdivision plans approved decades ago are being resurrected. Extensive clear-cutting and road-building are occurring around a state park in Multnomah County, for instance, and in Wasco County, the easternmost county on the Oregon side, new houses have been built on a famous bluff visible for miles up and down the Gorge.

Park opponents have come up with various abstract proposals, including bi-state agreements, to head off federal involvement. Park advocates charge that these actually are intended to prevent any significant protection of the Gorge. When pressured to reveal the details of their plans, Skamania County officials and their fellow park opponents fall back on "Zone it, don't own it." But even zoning controls, which have been promised for Skamania since 1968, appear unlikely anytime soon. "Most of Skamania County is already zoned by nature and God," says county official Bob Leick. "Local people have preserved the Gorge for a hundred years, and that's our proposal."

The fate of the Columbia Gorge now rests primarily with the Washington congressional delegation. The Gorge is in the backyard of Portland, Oregon's population center. Washington's population center, however, is Puget Sound, and while Washingtonians keep a watchful eye on Mount Rainier, most evidently don't realize that half of the Gorge is in their state. Educating Puget Sound residents is now a top priority of Gorge protectors, and Friends of the Columbia Gorge has opened an office in Seattle.

The Oregon delegation has introduced Columbia Gorge National Scenic Area bills (based on the FCG proposal) in Congress, co-sponsored by Sens. Mark Hatfield and Bob Packwood, and by Reps. Jim Weaver and Les AuCoin.

Washington Gov. John Spellman at first avoided taking a stand, but in March 1983 he joined Gov. Atiyeh in endorsing a new Gorge plan. Conservationists were outraged. Atiyeh had reneged on his previous commitment to Gorge protection, they charged, because the governor's "compromise" is both unworkable and too weak to afford real protection.

The governors' legislation has been introduced into Congress by the entire Washington delegation and some Oregon representatives, thus ensuring that some Gorge legislation will be enacted by Congress soon. The questions now are how strong that legislation will be and whether or not protection will also be given to the Gorge's embattled tributaries, such as the White Salmon River.

One unlikely factor encouraging a federal park is the recession. Skamania County, largely dependent upon logging, has been hit especially hard. Even though they would prefer industrial development, Skamania officials are realizing that tourism is crucial to help diversify this county's boom-and-bust economy.

National designation will help to draw tourists from outside the region. Park backers cite two other reasons why a federal parkland, or at least a strong federal role, is an absolute necessity: money, of course, and the need for a single agency to oversee management of the Gorge.

State and local governments can, however, greatly reduce the cost of Gorge protection. They have more authority to restrict uses through zoning (which in most cases does not require compensation) than does the federal government. But a single agency, such as the Park Service or Forest Service, is needed to settle disagreements and make a comprehensive plan stick.

Such a plan is to be drawn up — with public input — after legislation passes in Congress. It will become, as one observer noted, the "bible for future Gorge management." So it is important that people with diverse interests be involved in its drafting and implementation, so that strong Gorge protection is balanced with fair treatment for residents. Judging by park experiences elsewhere, a commission representing local, state and federal interests seems to be the best way to ensure that all views are heard.

Supporters of the proposed Columbia Gorge National Scenic Area, especially those who live in the Gorge, are hoping for a quick victory in this Congress. Not only will the healing of this spectacular landscape finally be assured, but relationships among those on opposite sides of the controversy, too, can begin to recover. But the legislation will not end the battle. With so much land remaining in private ownership, bitter conflicts will arise for decades to come.

The main differences in the Gorge after passage of federal legislation will be that the ground rules on land use will be clearer and more consistent, landowners will have the option of selling land or easements to the federal government, and compliance with management plans will be enforceable. Conservationists will have to remain vigilant, but developers will no longer automatically have the upper hand.

"The Columbia Gorge," says Friends of the Earth founder David Brower, "will be a milestone in scenic and historic preservation, a creative mixture of public and private lands — and an important precedent for the second century of the national park concept. Man's genius, if he really has one, can surely find ways to go back over the bruised places, heal them, and let them sustain his civilization."

The Columbia Gorge is a bruised place, and the assaults continue. Only part of the river still flows free within its grand canyon, and more dams are planned. Some wetlands along the riverbanks have been filled and developed; others are threatened. Industrial plants foul the air and harm orchards. Gravel extraction defaces the cliffs.

But the Gorge has amazing resilience. Its splendor still transcends the abuses it has suffered, and wilderness of indescribable beauty survives. Waterfalls still spill over the palisades. Many rare plants — including nine species that grow nowhere else — persevere. Bald eagles are returning. And some important historic sites endure.

The rugged, beautiful Columbia River Gorge is reaching a point of no return. Conservationists warn that unless the current trend is reversed soon, only pockets will be spared, reminders to our descendants of a national treasure that has been stolen. Scenic wonders elsewhere face a similar fate. Their future will depend in part on what innovative solutions are found to save the Columbia Gorge.

Senator EVANS. Mr. Dennis White.

STATEMENT OF DAVID THIES, REPRESENTING THE COLUMBIA GORGE COALITION

Mr. THIES. Senator Evans, my name is David Thies. Dennis White was not able to attend, due to illness.

I am a resident of Klickitat County, and I am involved with the Columbia Gorge Coalition. I am the elected vice president of the Snowden Community Council, which is the official local planning body. Approximately one-third of the Snowden community lies within the proposed national scenic area. I have been intimately involved in local zoning for the last 7 years that we have had local zoning, and in my free time, I have hiked and camped along most of the trails in the Columbia Gorge.

Last year I worked with congressional staff at the Bonneville Dam workshop on the panel dealing with trails and recreation—and I have continued to work with the congressional staff through my community council.

I would like to thank you, Senator Evans, for your staff's openness and willingness to work with us. The boundaries have been much improved because of this. Other key boundary changes that are needed area as follows:

The first one, the eastern gates of the gorge of the proposed national scenic area ought to be moved a few miles eastward to include the major north-south highway, No. 97, so that Maryhill Museum and Stonehenge Memorial can be included within the park, or within the proposed national scenic area.

Two, a trail corridor ought to be established along the ridge of the Columbia Hills between Stonehenge and the Klickitat River. I have drawn a picture. I took a hike along the Columbia Hills, and I brought a picture so that you can see how beautiful it is up there. The boundary line ought to be moved just off the ridge to allow for this trail corridor. This is the longest-running ridge-line paralleling the Columbia River Gorge, and it is the highest ground in all directions. The trail is 80 percent established by the finest trail engineers in the world—that is the cows—and in my opinion this trail has the potential of being the most spectacular one in the gorge.

No. 3, the Snowden Community Council has recommended that the boundary in Major Creek Canyon, Rattlesnake Canyon, and along Burdoin Mountain bluffs be raised up to and just beyond the rim to prevent development spill-over into these canyons and along gorge bluffs.

A major concern for us is preserving overlooking forests and open parks. We feel that this boundary change is essential to preserve the natural character of these wild places and will allow public access from the north. Our council has also recommended the inclusion of the White Salmon River. The position paper of the Snowden Community Council on boundaries is included with my written testimony, along with a photo and property map.

I cannot possibly list all of the zoning difficulties that our community has experienced with county government. My experience is that local control has worked for communities, accepting all development proposals, but it has not worked for rural communities preferring to remain rural. In the last few months, the Klickitat County government has become easier to work with, even helpful. The county appears to be ready to finally accept our community council's no subdivision zoning proposal after 7 years of trying to force rural subdivisions on us.

I appreciate this change for the better but have no illusions about their motivations, since this would not be happening without pending Federal legislation. We need strong Federal legislation to ensure real local control.

Thank you.

[The prepared statement of Mr. Thies follows:]

TESTIMONY OF DAVE THIES, REPRESENTING THE COLUMBIA GORGE COALITION, ON PROPOSED COLUMBIA RIVER GORGE PROTECTION BEFORE THE SENATE ENERGY AND NATURAL RESOURCES COMMITTEE IN WASHINGTON, D.C., ON JUNE 17, 1986.

My name is David Thies, and I am a resident of Klickitat County. I am involved with the Columbia Gorge Coalition, and I am the vice-chairman of the Snowden Community Council, the official local planning body. Approximately one-third of the Snowden community lies within the proposed National Scenic Area. I have been intimately involved in local zoning for the seven years that we have had zoning, and in my free time, I have hiked and camped along most of the trails in the Columbia Gorge.

Last year I worked with Congressional staff at the Bonneville Dam workshop on the panel dealing with trails and recreation--and I have continued to work with Congressional staff through my community council. During these contacts, I have advocated boundary changes that excluded land that seemed inappropriate for inclusion--and advocated the inclusion of some land with special characteristics that had not yet been included. The land that was requested for exclusion has been excluded, and some of the land proposed for inclusion has been included. I would like to thank Senator Evans for his staff's openness and willingness to work with us; the boundaries have been much improved because of this. Other key boundary changes that are needed are as follows:

1.) The eastern Gates of the Gorge of the proposed National Scenic Area ought to be moved a few miles eastward to include the major north-south highway (#97), so that Maryhill Museum and Stonehenge memorial can be included within the area;

2.) A trail corridor ought to be established along the ridge of the Columbia Hills between Stonehenge and the Klickitat River. The boundary line ought to be moved enough off this ridge to allow for this trail corridor. This is the longest-running ridge-line paralleling the Columbia River in the Gorge, it is the highest ground in all directions, the trail is 80% established by the finest trail engineers in the world--the cows, and, in my opinion, this trail has the potential of being the most spectacular one in the Gorge.

3.) The Snowden Community has recommended that the boundary in Major Creek Canyon, Rattlesnake Canyon, and along Burdoin Mountain be raised up to and just beyond the rim to prevent development spill-over into these canyons and along Gorge bluffs.

A major concern for us is preserving overlooking forests and open parks. We feel that this boundary change is essential to preserve the natural character of these wild places and will allow access to the public from the north. The position paper of the Snowden Community Council on boundaries is included with my written testimony, along with a photo and property map.

I cannot possibly list all of the zoning difficulties that our community has experienced with county government; suffice to say that we have experienced the full range of land-use abuses, especially along the Gorge bluffs of Burdoin Mountain, where the county has allowed extensive short-platting of a developer's subdivision in violation of local and state land-use ordinances. My experience is that "local control" has worked for communities accepting all development proposals, but it has not worked for rural communities preferring to remain rural. In the last few months, the county government has become easier to work with--and even helpful. The county appears to be ready to finally accept our community council's no-subdivision zoning proposal after seven years of trying to force rural subdivisions on us. We appreciate this change for the better--but have no illusions about their motivations, since this would not be happening without pending federal legislation. We need strong federal legislation to insure real local control.

In conclusion, I would like to tell you that lots of people in the Gorge support federal legislation, probably as many as oppose it. Harassment by powerful and aggressive opposition has kept many of these people from becoming involved in this issue.

Among those speaking against legislation are some of the worst land-use abusers we have seen in the Gorge. Of course, they seek to continue the status quo.

Most of the people in the Gorge have never testified at a public hearing and do not have a strong opinion on legislation. They will make up their minds about Gorge legislation only after enactment--and when it will be easy for all to see whether or not you have truly saved the Columbia Gorge.

Snowden Community Council
Rt. 3, Box 216
White Salmon, WA 98672

February 11, 1986

Dear Sir:

The Snowden Community Council is the recognized representative body of the Snowden community, which is located northeast of White Salmon in Klickitat County. Our board members are elected and we serve to make recommendations on matters affecting our community.

Pending Columbia Gorge legislation concerns areas which are within or bordering our area of purview. We would like to offer our recommendations on the boundaries for these areas: Major Creek Canyon, Tracy Hill, Burdoin Mountain, Rattlesnake Canyon, and the White Salmon River Valley.

Major Creek Canyon is presently included within the special management area recommendation. This canyon has in the past been preserved by its inaccessibility. It is still in its natural condition: a canyon filled with old growth fir and pine. Here the wet climate of the western rain forest meets the dry climate of the eastern desert. The climate factor combined with some altitude change results in a variety of wildflowers equalled few places on earth. Bald eagles nest throughout the canyon. There are several beautiful waterfalls.

Major Creek Canyon is used by local residents for hiking, hunting and cross country skiing. (Although not officially maintained, there are paths created by use.) As tourism becomes a more important part of our local economy, we anticipate increased use of the canyon.

We recommend that the boundary of the proposed Scenic Area be brought up to and just beyond the rim of the canyon and that overlooking forests be included within the boundary. These are owned by the D.N.R. (See map.) The included area near the head of West Major Creek at Mt. Brook would provide a convenient and beautiful entrance to the canyon through an old growth forest. A spectacular 100 foot waterfall, only a short walk from this entrance, would also be newly included. The second inclusion, from Paradise Flat, would provide excellent public access, again through old growth forest, to an overlooking viewpoint.

We would also like to inform you that time is a factor if Major Creek Canyon is to be preserved in its present state. The prime access route to the spectacular waterfall at the head of West Major Creek is due to be logged this spring. Is there some interim action that could be taken to delay logging while legislation is being considered?

The Tracy Hill Area is on top of the Snowden plateau, consists of farms and forests, and cannot be seen from below or from cross-facing bluffs. This area is presently included within the proposed scenic area boundaries. Although it might be beneficial to have this area as a buffer zone, we suggest that it is of lower priority than the more pristine wilderness areas of Major Creek, which we recommend including.

The south facing bluffs of Burdoin Mountain overlooking the Gorge should be considered for inclusion within the proposed scenic boundaries up to and just beyond the rim. County government has recently moved to prevent further subdivision of land here. This area is part of Klickitat County's Gorge overlay zone. These bluffs are significant Gorge view-sheds and, like the inward reaching canyons and valleys, they provide critical wildlife habitat.

We recommend that the White Salmon River Valley be considered for inclusion within the scenic area boundaries up to B-Z Corners. Over-looking parks and forests should be included within the scenic area. The White Salmon River deserves to be studied for Wild and Scenic River Status. The White Salmon River and the highway which follows it, link the Columbia Gorge with the Mt. Adams recreation area, an important tourist destination. River rafting trips are an attraction. As its name would imply, the White Salmon was an important river for Salmon runs before the Bonneville dam and it plays an increasingly important role in the restoration of our fisheries. Time is also important for the White Salmon, as cutting of over-looking forests and old growth oak along the river has already begun.

The Rattlesnake Canyon up to the "bigwaterfall" located near its head, including over-looking open parks and forests, should be included within the proposed scenic area. This canyon rivals Major Creek Canyon in its untouched beauty. Rattlesnake Creek is the most important tributary of the White Salmon River for anadromous fish runs. Again, with the efforts to restore our fisheries this is an important consideration. This isolated canyon provides us with essential winter deer range. This creek also has several beautiful waterfalls. The D.N.R. owns or is acquiring much of the land, which could facilitate its transfer to a group interested in acquiring and preserving wild places like this.

These areas have remained largely untouched due to their remoteness. Pending zoning changes and recent road improvements could result in significantly more development along the rims of Rattlesnake and Major Creek Canyons and Burdoin Mountain.

Our boundary recommendations are not intended as an endorsement of scenic area legislation. They are intended to draw your attention toward those areas most worthy of merit and to share with you our perspectives as local residents and representatives. Thank you for considering these recommendations.

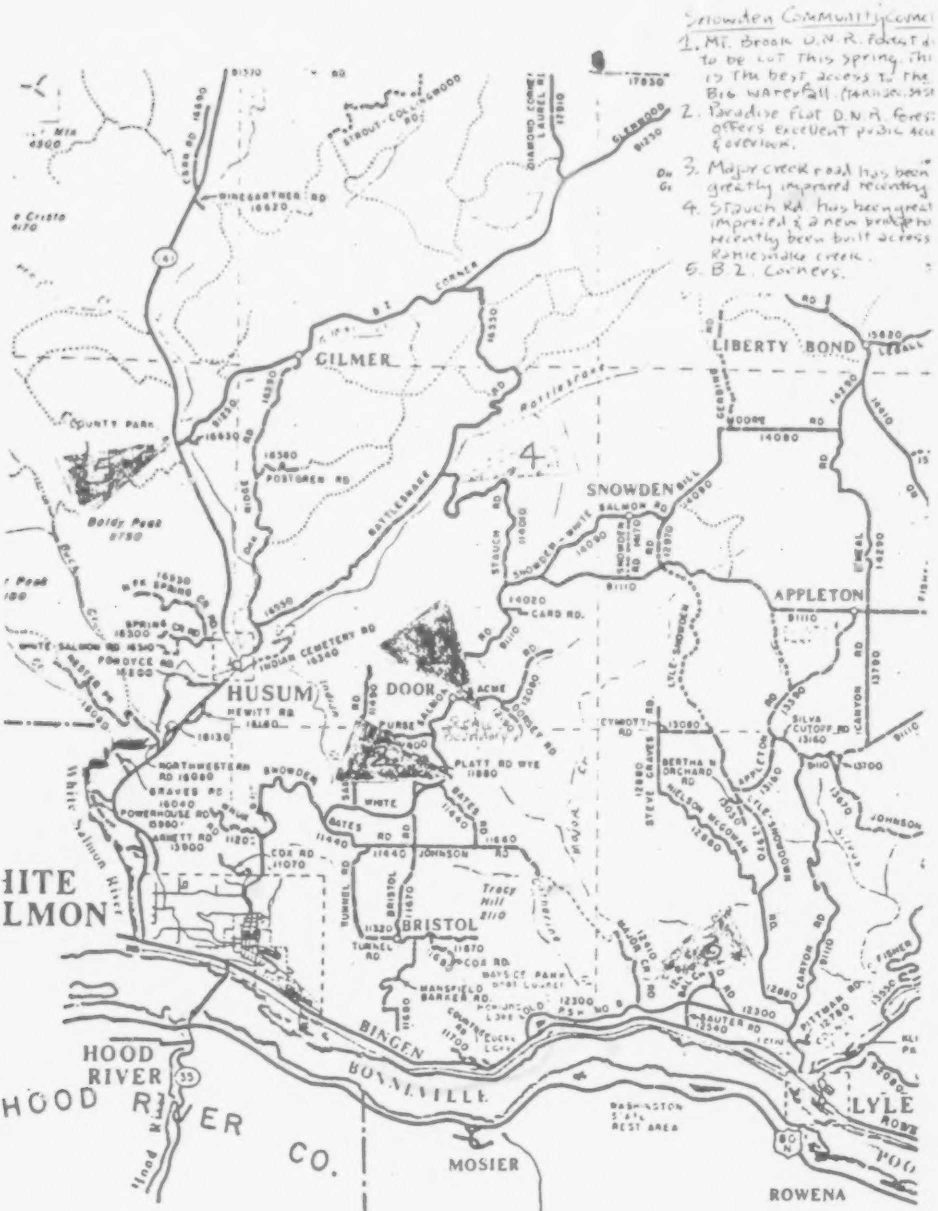
Sincerely,

Dave

Joan Chantler

Chair

David



Snowden Community Counc

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Big waterfall. (T4R11 Sec. 34 S
2. Paradise Flat D.N.R. fores
offers excellent public acc
& overlook.
3. Major creek road has been
greatly improved recently
4. Stauch Rd. has been great
improved & a new bridge ha
recently been built across
Rattlesnake creek.
5. B.Z. Corners.

GILMER
LIBERTY BOND
SNOWDEN
APPLETON
HUSUM
DOOR
ACME
BRISTOL
WHITE SALMON
HOOD RIVER
HOOD RIVER CO.
BINGEN
BONNEVILLE
MOSIER
ROWENA
LYLE
WAS
COUNTY PARK
Baldy Peak
Tracy Hill
B Z CORNER
INDIAN CEMETERY RD
RATTLESNAKE
STAUCH RD
CARD RD.
SNOWDEN-WHITE SALMON RD
LYLE-SNOWDEN
STEVE GRAVES RD.
BERTHA N ORCHARD RD
NIELSON MCGOWAN
APPLETON
SILVA CUTOFF RD
CANYON RD
JOHNSON RD
BATES
PLATT RD WYE
NORTHWESTERN RD
GRAVES RD
POWERHOUSE RD
HEWITT RD
WASHINGTON STATE REST AREA
SAUTER RD
PITTMAN RD
FISHER
GLENWOOD
STROUT-COLLINGWOOD
WINEGARTNER RD
PODORER RD
SPRING CR RD
MANSFIELD BARKER RD
White Salmon River
Major Cr.
1
2
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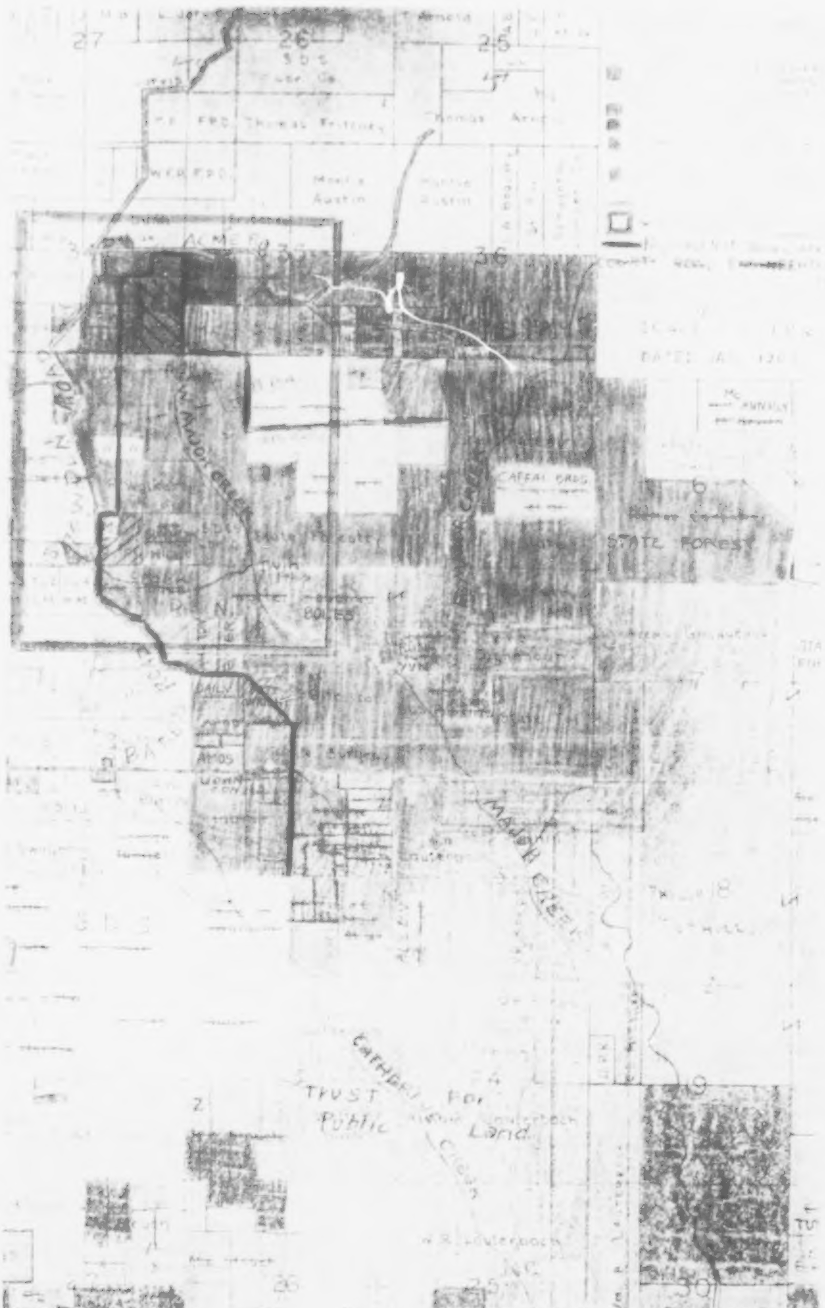
27
26
S.D.S.
25
Thomas Pritchey
Thomas Arey
W.E.R. FRD.
Austin
Austin
ACME
36
CAFFAL BROS
6
STATE FOREST
MAJOR CREEK
BOLES
AMOS
MAJOR CREEK
S.D.S.
CATHERINE CREEK
TRUST For Public Land
W. R. Lauterbach
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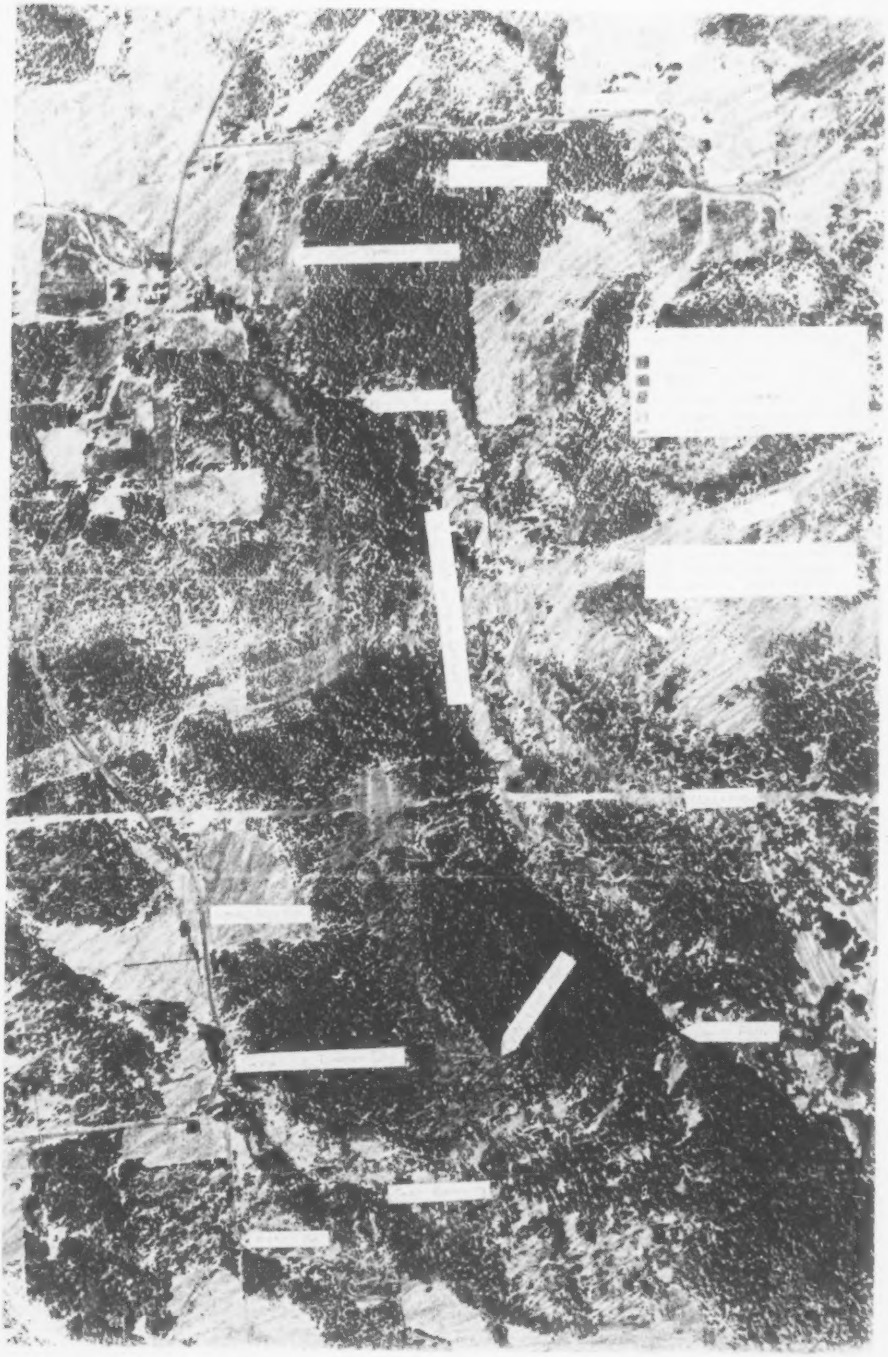

Senator **Evans**. Thank you very much.

Mr. **Williams**. Senator Evans, you were asking for specifics earlier. And we have turned in legislation. Here is a map, based on your map. And we have done amendments to your bill all done very specifically.

Senator **Evans**. That is very helpful. We appreciate that.

Ms. Susan Cady.

STATEMENT OF SUSAN CADY, CONSERVATION CHAIR, VANCOUVER AUDUBON SOCIETY, WASHOUGAL, WA

Ms. **Cady**. Thank you, Senator Evans. My name is Susan Cady. I am a resident of Skamania County. Our 5-acre homesite is in a rural area north of the beautiful Cape Horn Cliffs. It is just a 20-minute drive to the new Silicon Valley of Clark County and the I-205 bridge over the Columbia River.

There has been substantial growth in our area, even in a depressed economy. I am very worried because we have no zoning to control this growth.

In 1980, several of my neighbors and myself were forced to hire an attorney, and sue the county, and a developer to protect the subdivision we live in from illegal short platting. At that time Washington State law did not allow short platting in a subdivision, without the consent of 75 percent of the landowners. The county disregarded this State law. They passed a county ordinance to allow it and did not notify any of the property owners in the subdivision.

I spent many hours over several years working with the planning commission to prepare a zoning document. The process is still going on. I gave up in utter frustration. Nothing ever seemed to get done. There is no commitment to zoning by county government, just road blocks. We now have a tavern with legalized gambling only one quarter of a mile from our home and no way to stop it, and still no zoning.

Some opponents of protection like to say the scenic area legislation is being forced on them by outsiders. We are not outsiders. My son is a third-generation Skamania County resident. I want the beauty of the gorge protected for my grandchildren, too. Of the bills introduced so far, H.R. 4221 is the best. There are a number of additional protections I would like to see.

No. 1, the Gibbons Creek Watershed should be protected from development so the anadromous fishery can be restored. This is in the western end of the gorge.

The preservation of habitat of fish and wildlife in the gorge needs more attention in the bill.

The tributaries are also vital to the scenic area. Some of the best recreational opportunities are within the beautiful canyons of these rivers. In closing I have a picture of my son with a very nice Chinook salmon, that he got on the Wind River, just to show you that people who live in the county appreciate, and use the recreational opportunities, and not just the outsiders trying to get it for themselves.

There should be a single management plan for the entire area, administered by the Park Service and a commission of local representatives. And also, as mentioned before, the eastern boundary should be extended to include the Maryhill Museum.

Thank you.

[The prepared statement of Ms. Cady follows:]

June 13, 1986

Senate Public Lands Subcommittee
Energy and Natural Resources Committee
US Senate, Washington, D.C. 20510

I am a Skamania County resident, our five acre home site is in a rural area north of the beautiful Cape Horn Cliffs. It is just a twenty minute drive to the new Silicon Valley of Clark County, and the I-205 bridge over the Columbia River

There has been substantial growth in our area, even in a depressed economy. I am very worried because we have no zoning to control this growth

In 1980 several of my neighbors and myself were forced to hire an attorney and sue the County and a developer, to protect the subdivision we live in, from illegal short platting. At that time Washington State Law did not allow short platting in a subdivision without the consent of 75% of the homeowners. The County disregarded this state law. They passed a County Ordinance to allow it, and didn't notify any of the property owners in the subdivision.

I spent many hours over several years working with the Planning Commission to prepare a Zoning document, the process is still going on. I gave up in utter frustration. Nothing ever seemed to get done. There is no commitment to Zoning by County Government, just road blocks. We now have a casino with legalized gambling one quarter of a mile from our home, no way to stop it, and still no Zoning.

Some opponents of protection like to say the Scenic Area Legislation is being forced on them by outsiders, we are not outsiders my son is a third generation Skamania County resident. I want the beauty of the Gorge protected for my grandchildren to

Of the bills introduced so far HR-4221 is the best.

There are a number of additional protections I would like to see.

1. The Gibbons Creek water shed should be protected from development, so the anadromous fishery can be restored.

2. The preservation of habitat for fish and wildlife is an item needing more attention in the bill.

3. The tributaries are also vital to the Scenic Area. Some of the best recreational opportunities are within the beautiful canyons of these rivers.

4. There should be a single management plan for the entire area administered by the Parks Service and a Commission of local representatives.

5. The eastern boundary should be extended to include Maryhill Museum.

Thank you,
Susan J. Cady
MP 2.32 R Belle Cnt. Rd
Washougal, WA. 98671
206-835-5947

BRAD CADY

22 POUND SPRING CHINOOK SALMON

CAUGHT MAY 24, 1986 ON THE

WIND RIVER BELOW SHIPHERD FALLS.

FIRST SPORTS FISHERY FOR THIS SPECIES

IN THE WIND RIVER IN SEVEN YEARS.

THE WIND RIVER SALMON RUN IS THE

PRODUCT OF A FEDERAL HATCHERY.

Senator EVANS. Thank you very much.

After looking at that picture of a handsome young son and an equally handsome fish, I would not think you would want to have any designation whatsoever or to notify anybody of the unusual and really remarkable country you have there.

Thank you for your testimony. And now Mr. Brock Evans, president of the National Audubon Society.

Brock.

STATEMENT OF BROCK EVANS, VICE PRESIDENT, NATIONAL ISSUES, NATIONAL AUDUBON SOCIETY, WASHINGTON, DC

Mr. EVANS. Thank you, Senator. Those who have come before me have spoken very powerfully and there is not much to add except perhaps two things. And I have just had the privilege of being in the gorge again over this past weekend and was reminded of it once again.

We should not forget why we are here: The awesome spectacle of one of the world's greatest rivers breaking through one of the world's greatest mountain ranges on a course of over 100 miles, almost all of it near sea level, in our view alone qualifies it as one of our Nation's greatest scenic treasures and really frankly it ought to be a national park. We ought to be here talking about a Columbia Gorge National Park and I believe it is an accident of politics and history that we are discussing something a little bit less.

We are afraid, and I point this out in my testimony, that S. 2055 with its two-tiered approach which has already been discussed really would not adequately protect the gorge unless some amendments are adopted, and I propose them later on in my particular statement here.

The reason we feel this way is because of the very nature of the commission as established under the statute. Simply put, any commission designed to protect the gorge which has for starters one-half of its membership from the very county which had been granting the development permits that are well on the way to gravely injuring the gorge's integrity, cannot be reasonably expected to reverse the trends of the last 50 years. We feel there will always be a working and voting majority in favor of the same weak standards and controls on future development that we have seen for so long, and that is the reason frankly why we are here today to get some national legislation to do the job.

If the local governments had been doing their job and they had seen the importance of the gorge and recognized its value, they surely would have taken steps long ago to assure its integrity. The fact of the matter is that they have not and will not. In fact, as we have already heard, they are fiercely resisting any meaningful attempts to protect the gorge.

In my statement I point out my experience with similar situations in Lake Tahoe and the pine lands of New Jersey. It is the same pattern again and again, Senator: Development interests always seem to have a majority on the Board or Commission, the development continues to the slow but steady degradation of the resource, and you finally cannot get it back.

The fact of the matter is that the gorge counties, especially those on the Washington side, have taken few, if any, steps to recognize the value of the gorge for anything but land development. We think all the evidence indicates that the same patterns will continue if the legislation passes as is, without amendment. Whatever the veneer of planning and standards and consultation, we are more than willing to predict that the gorge will not be protected.

It will have the pretense of protection, but its scenic and visual integrity will be nibbled away, bit by bit, piece by piece, year after year. Even if we finally get the zoning that they are promising now under pressure that they will do, I have every expectation that variance after variance will be given, depending on whichever developer asks for it.

Because time is running out, I will not run through all the specific amendments we suggest. But I draw them to your attention, Senator, on the last couple of pages: They deal with standards for development, tightening that up; they deal with enforcement; they deal with interim management, which is a crucial concern, too; they deal with the mandatory land purchase; and the secretarial veto, and you have heard them all before.

I just want to thank you for giving us the breakthrough and considering this legislation, Senator, and we want to work forward with you and to hope we can get something that will protect the gorge for a long time to come.

[The prepared statement of Mr. Evans follows:]

National Audubon Society
NATIONAL CAPITAL OFFICE
645 PENNSYLVANIA AVENUE, S.E., WASHINGTON, D.C. 20003 (202) 547-9009

STATEMENT OF BROCK EVANS
VICE PRESIDENT FOR NATIONAL ISSUES
NATIONAL AUDUBON SOCIETY

BEFORE THE SENATE COMMITTEE
ON ENERGY AND NATURAL RESOURCES
PUBLIC LANDS SUBCOMMITTEE

WASHINGTON, DC, JUNE 17, 1986

I am pleased to be here today to speak on behalf of the National Audubon Society which as you know is a nationwide conservation organization of some 550,000 members, organized in well over 500 chapters across the country. We share the intense concern of our 35 chapters in the states of Washington and Oregon for the fate of the Columbia River Gorge, and for a long time we have worked at all levels of government for its secure and safe protection.

There is little that we need to add to the many statements you have heard and will hear about the need and the value to the nation of protecting the Columbia River Gorge. The awesome spectacle of one of the world's greatest rivers breaking through one of the world's greatest mountain ranges on a course of over 100 miles, almost all of it near sea level, alone qualifies it as one of our nation's greatest scenic treasures. Added to that from a scientific perspective is the unique assemblage and display of a wide variety of vegetation, from the near-desert flora on the east side of the Cascade range to the lush near-rain forest on the west side; from rich river wetlands to high alpine meadows; from plant and animal communities that exist on open sunny cliffs to those which exist only in deep forests . . . all of this together is a vast and impressive array which has been well documented in other testimony and literature.

And finally, when to all this is added the immense recreational potential of such a beautiful and impressive place, with such a variety of opportunities for long or short hikes, viewing from high and low spots, incredibly scenic and historic drives, in our mind, we have one of the nation's prime candidates for national park status. Indeed, it long been our position that there should be a Columbia Gorge National Park, and perhaps it is only an accident of politics and history that we are here today to discuss something less.

That "something less" is what is before us today, in the form of S2055, which would create a Columbia Gorge National Scenic area. The essence of the legislation is in its "two-tiered" approach towards management of the resources within its outer boundaries. One part of this tier creates 108,000 acres of Special Management Areas, to be managed by the Secretary of Agriculture through the United States Forest Service, while the other provides for the remaining 141,000 acres (with the exception of specially designated "urban areas") to be managed by a 12 member voting Commission, composed of three appointees by the Governor of Oregon, three by the Governor of Washington, and one each appointed by the County Commission from each of the six Gorge Counties.

This is not and never has been the approach that we favor. We have consistently advocated national park status for the Gorge because of the qualities enumerated above, with the entire area to be managed by the National Park Service -- in much the same manner as it has successfully managed areas such as Cape Cod, Point Reyes, and similar spots where a considerable body of private land exists. If that is not acceptable for various reasons, then we would have prefered management under a single other federal agency, in this case, the U.S. Forest Service, which is also quite experienced in such matters.

Others speaking here today will enumerate some of the substantive problems with S2055, for example its vague standards and its treatment of the greatest threat to the integrity of the Gorge -- residential development; its failure to require future commercial development to take place only in urban areas; and its failure to require enforcement even of these vague standards.

What we want to comment on here is our basic feeling that the Gorge will not be adequately protected under the two-tier approach in any event. This is because of the nature of the Commission, as it would be established under the statute. Simply put, any Commission designed to "protect" the Gorge which has, for starters, one-half of its membership from the very counties which have been granting the development permits that are well on the way to gravely injuring the Gorge's integrity, cannot be reasonably expected to reverse the policies of the past fifty years. And it is too much to expect that appointees of the Governors of either state, however good their intentions, will be a sufficient counter-balance to the pro-development tendency we will have to expect from the county representatives. There will always be a working and voting majority in favor of the same weak standards and controls on future development that we have seen for so long, and indeed, is the cause of the pressure for national Columbia Gorge legislation today. If the counties had been doing their job, if the counties had seen the importance of the Gorge and had recognized its immense value as a part of our national heritage, they surely would have taken steps long ago to assure its integrity. The fact of the matter is that they have not, and will not. The fact of the matter is that they do not want to, and have so far fiercely resisted any meaningful attempts to protect the Gorge.

Any one who has studied the history of another bi-state Commission, that of Lake Tahoe, on the California-Nevada border, can see what happens: the states disagree, developers will always have a majority on the board, and the development continues, to the slow but steady ruination of the resource it was designed to protect. The resource degrades over time, and finally cannot be restored.

The fact of the matter is that the six Gorge counties, especially those on the Washington side, have taken few if any steps in the last few decades to recognize the value of the Gorge for anything but land development. Although now they say that they are willing to consider such steps, and even claim that they have protective measures in place, we think all the evidence indicates that the same patterns will continue if this legislation passes as is. Whatever the veneer of planning, standards, and consultation, we are more than willing to predict that the Gorge will not be protected; it will have the pretense of protection, but its scenic and visual integrity will be nibbled away, bit by bit, piece by piece, year after year.

That is why we believe it is imperative that S2055, if it is to become the framework for final legislation to protect the Gorge, must be ammended in the following major respects:

1. Standards for development. S2055 does prohibit "major development actions" within SMAs, but allows residential development within SMAs as long as that development does not "substantially impair" the Gorge's resources. Residential development should be entirely prohibited in SMAs unless it was only by the owner of record as of the date of enactment of this bill, and only if that development would not adversely impair the values of the Gorge. The adverse impairment standard is stronger.

   There should also be a specific requirement that future housing should be concentrated in existing population centers, rather than in open and undeveloped areas of the Gorge, in accordance with the existing standards of the Gorge Commission.

The legislation should also require commercial development to occur only within designated urban areas.

2. Enforcement. Section 15A now states that the Commission "may" take action as necessary to ensure compliance (with the standards). This is unacceptable, and enforcement must be mandatory, otherwise a Commission so constituted will, in our view, almost never take enforcement actions. If the County Commissions of Skamania, Klickitat, Wasco, and Hood River have traditionally resisted any federal legislation -- what reason have we to believe that they would ever enforce any regulations enacted under this statute unless they are required to do so?

3. Hydro-electric projects. Such development is permitted under S2055, even in SMAs, if it does not "substantially impair" the area's resources. This is far too vague, and along with a similar vague provision regarding surface mining, should be changed and strengthened to prohibit, unless no impact on fish populations, scenic waterfalls, and public recreation lands can be demonstrated.

4. Interim management. We are most concerned about the period between enactment of the legislation and approval of a management plan. Under the statute, this period could last from two years to indefinitely, and this is the period when developers can rush to stake out their claims and ruin the whole purpose of the legislation.

   S2055 lets the Secretary deny a proposal for residential development within an SMA if is inconsistent with his interim guidelines, the Act's purposes and standards, or if it would "substantially impair" the areas resources. But outside the SMAs, there is hardly any protection, except permission to the Commission to review "major development proposals" and see if they are consistent with the Commission's interim guidelines, which can take up to a year to enact.

   Whether it is six months or a year before any interim standards are enacted, that is far too long: developer's claims can be staked on the choicest property in a matter of days, and we will have lost everything we are working for. We for perfer the approach of House legislation (HR4221) which estalishes a moratorium on the issuance of development permits for SMAs during the interim period.

5. Mandatory land purchase. We are opposed to the provision which requires the Secretary to buy a landowners property, after a bonified sales offer to the government, within three years. This is much too short. If there is a rush of offers to sale or denials of permits immediately after enactment of legislation, the Forest Service simply will not be able to come up with the money in such a short time. And then we will lose very important areas. There should be no mandatory buy out provision, or if we must have one, it should be at least five to six years.

6. Secretarial veto. S2055 provides that the Commission draft a management plan for the entire Area, which then must be approved by a majority of the appointed members from each state's delegation. The plan is subject to a veto by the Secretary of Agriculture, but he can be overridden by only eight votes of the Commission. Since as we have already pointed out eariler, the County's representatives are most likely to vote against any

> truly strong measures, they only need to get two more votes out of the remaining six to override the Secretary's good faith effort to do something more meaningful. This should not be too hard to do, and its practical effect is to render the Secretary's veto power almost meaningless.
>
> If there is to be a veto power, it must be a real one. We feel that to require a "super majority" of nine votes out of twelve will still protect the legitimate concerns of local people, but go much farther towards guaranteeing all of us who love and care about this place the assurance that there will be something left of it by the end of the next decade.

Thank you for your consideration of our views. We are extremely hopeful that we can get legislation passed this year which will truly protect the Columbia River Gorge, one of our nation's most splendid natural resources.

871F

Senator EVANS. Thank you very much.

Ms. Lynn Herring, conservation chair, Portland Audubon Society.

STATEMENT OF LYNN HERRING, CONSERVATION CHAIR, PORTLAND AUDUBON SOCIETY, LAKE OSWEGO, OR

Ms. HERRING. My name is Lynn Herring, and I am here today on behalf of the Portland Audubon Society, a 5,000-member chapter of the National Audubon Society. In addition, please enter for the written record the statement of Jean Durning, northwest regional director of the Wilderness Society.

Portland Audubon urges enactment of strong Federal legislation to protect and preserve the wildlife, botanical, historical, and scenic resource values of the Columbia gorge and its tributaries, a position also adopted by the 12-chapter Oregon Audubon Council.

We wish to thank our northwest Senators for their efforts to date to achieve Federal legislative protection for the Columbia Gorge, one of our Nation's premiere natural resources. We reiterate the concerns and the strengthening revisions just offered by our national Audubon vice president, Brock Evans, also mentioned in our statement.

Within the context of these concerns, my testimony focuses on the unique biological resources that make the Columbia River Gorge worthy of strong, protective Federal legislation. The combined features of a nearly sea level breach of the Cascade Mountain Range, unique weather patterns, and a broad range of plant communities all play a role in the distribution of endemic, threatened and endangered and significant plant and animal populations that live in and use the gorge.

Federal involvement is necessary to ensure coordination among the more than 50 governmental bodies with jurisdiction in the gorge. We must create a plan that considers the needs of the local residents and governments but yet truly protects the natural values of the gorge. For example, the flora and the fauna of this river canyon do not recognize municipal boundaries. And furthermore, the physical nature of the area has resulted in a unique East-West mixture of plant and animal communities. And the gorge serves as a long-range migration route for wildlife.

The threats to the gorge are real. This resource evolved over the millennia has been undeniably altered in the course of this past century, and it is significant to point out that since 1983, 14 major development actions have been initiated in the gorge. The Portland and Vancouver Audubon Societies have participated in challenges along with other conservation groups to several of these actions which are described in the statement.

It is significant also to note that botanical diversity in the gorge is extraordinarily high. Twenty-five percent of the 4,000 plants that grow in Oregon occur in the gorge. There are at least 13 endemics, plants that grow nowhere else on Earth. And today botanists will provide you with much additional information regarding the plants in the gorge.

The gorge also provides an important migration route and set of unique environments for a diverse array of animals. Please refer to the significant fish and wildlife habitat matrix keyed to the map from the conversationists' briefing book which is circulating this week. In addition, a descriptive list of mammals, amphibians, reptiles, birds, and butterflies is provided in this testimony.

Portland Audubon Society, along with other groups, is calling for inclusion of the following major tributaries in the National Wild and Scenic River System: the Sandy, the Hood, and Lower Deschutes on the Oregon side, and the Wind, Little White Salmon, White Salmon, and Klickitat on the Washington side. These tributaries need Federal protection to preserve their own outstanding wildlife and habitat values and preservation of riparian cooridors and water quality and quantity is critical to the life support system for the Columbia River. We support the recommendations in the conservationists briefing book, which will be entered into the record.

I am also including a description of the natural resources of the Sandy, Hood, and Lower Deschutes Rivers in Oregon. The Sandy River is near Portland and species found along the Sandy are numerous.

I now see the red light. I have extensive testimony about the tribs in here, so if we are truly to have protective legislation, we need a strong bill from both the Senate and the House, a bill with teeth, one that will be enforced, and we ask your help to produce that bill this year. Thank you.

[The prepared statements of Ms. Herring and Ms. Durning follow:]

TESTIMONY OF

LYNN HERRING

PORTLAND AUDUBON SOCIETY

BEFORE THE

ENERGY AND NATURAL RESOURCES COMMITTEE

SUBCOMMITTEE ON PUBLIC LANDS, RESERVED WATER AND RESOURCE CONSERVATION

OF THE

UNITED STATES SENATE

CONCERNING THE

COLUMBIA GORGE NATIONAL SCENIC AREA ACT

S.2055

JUNE 17, 1986

My name is Lynn Herring. I am here today on behalf of the Portland Audubon Society, a 5000 member chapter of the National Audubon Society, to urge enactment of strong federal legislation to protect and preserve the wildlife, botanical, historical, and scenic resource values of the Columbia River Gorge and its tributaries, a position also adopted be the 12-chapter Oregon Audubon Council.

We wish to thank our Northwest Senators Packwood, Hatfield, Evans, and Gorton for their efforts to date to achieve federal legislative protection for the Columbia Gorge, one of our nation's premier natural resources. We in Oregon particularly want to commend Senators Packwood and Hatfield for their long-standing commitment to Gorge protection. We ask this committee to consider the following strengthening revisions to S. 2055.

Priority Concerns for S. 2055:

*Enforcement --- a provision which makes enforcement of the act and its standards and regulations mandatory, not discretionary;

*Standards --- provisions which will clarify and strengthen the legislative standards for development, including interim management standards;

*Commission Override --- a provision which would require the regional commission to obtain 9 votes (one more than is needed to initially approve the management plan) in order to override a veto of the management plan by the Secretary of Agriculture;

*Boundary revisions --- revision of scenic, special management, and urban area boundaries (including provisions to establish flexibility and more thorough review) to better protect the National Scenic Area's values;

*Tributaries --- provisions which would assure greater protection for the Gorge's major tributaries. We advocate inclusion of the major Oregon and Washington tributaries in the National Wild and Scenic Rivers System.

Within the context of these concerns, my testimony will focus on the unique biological resources that make the Columbia River Gorge worthy of strong protective federal legislation. The combined features of a nearly sea level breach of the Cascade Mountain Range, unique weather patterns, and a broad range of plant communities all play a role in the distribution of endemic, threatened and endangered and significant plant and animal populations that live in and use the Gorge.

Federal involvement is necessary to ensure coordination among the more than 50 governmental bodies with jurisdiction in the Gorge. The states of Washington and Oregon cannot be expected to do the job by themselves. We must create a plan that considers the needs of local residents and governments, and yet truly protects the natural values of the Gorge. For example, the flora and fauna of this river canyon do not recognize municipal boundaries. Furthermore, the physical nature of this area has resulted in a unique

East-west mixture of plant and animal communities; and the Gorge serves as a long-range migration route for wildlife.

THREATS The threats to the Gorge are real. This resource evolved over the millennia has been undeniably altered in the course of this past century. It is destined in today's world for irrevocable adverse impacts in the absence of a single, strong management plan. The Friends of the Columbia Gorge will supply a descriptive list of 15 major actions initiated since 1981, 14 of them since 1983. The Portland and Vancouver Audubon Societies have participated in challenges to several of these actions. Among those are:

Hidden Harbor Subdivision, an 83-lot riverfront subdivision with proposed deepwater marina located on wetlands west of Beacon Rock State Park and across from Oregon's Horsetail Falls. Skamania County's approval of this July, 1984 proposal was reversed in a lawsuit filed by Friends of the Columbia Gorge before the Shorelines Hearings Board;

Wells Island Conference and Interpretive Centers, a proposal for a conference center, interpretive buildings and a docking facility on tiny Wells Island, home to the eighth largest Great Blue Heron rookery and third largest Canada Goose nesting site on the three hundred miles of Columbia River from the Pacific Ocean to McNary Dam. A lawsuit, filed by Friends of the Columbia Gorge, the Oregon Gorge Commission, 1000 Friends of Oregon and The Portland Audubon Society, to overturn approval of the proposal by Hood River County and Oregon's Land Conservation and Development Commission, is currently pending;

Wyeth Hydroelectric Project, a December, 1985 proposal for a $6.8 million hydroelectric project which threatens one of the Gorge's most spectacular waterfalls, one hundred foot Gorton Creek Falls, is pending before the Federal Energy Regulatory commission;

Port of Entry, a $2.1 million commercial trucking facility proposed in June, 1984 by the state of Oregon for extremely significant scenic areas at Wyeth, Oregon, and later, adjacent to Lewis and Clark State Park; later moved - under considerable public pressure - to within the Cascade Locks urban growth boundary;

Port of Camas/Washougal Industrial Park, an April, 1983 attempt to expand the Port's industrial park into 346 acres of the 1180 acre Steigerwald Lake wetland - one of the most important natural areas in the entire Gorge - prevented by last minute federal acquisition of the wetland.

The precise nature of the violations will be discussed by expert witnesses during the course of this hearing. It is clear that subdivisions, uncontrollable clearcutting and damaging hydroelectric projects on lands and water of great national significance will continue until a single comprehensive management plan is enacted. Currently, conservationists must pursue protection for the Gorge parcel by parcel.

THE RESOURCE

PLANTS

It is significant to note that botanical diversity in the gorge is extraordinarily high. Twenty-five percent of the 4,000 plants that grow in Oregon occur in the Gorge. There are sixty Gorge species that have been identified as Rare, Threatened or Endangered by the Oregon Rare and Endangered Plant Project.

There are at least 13 endemics, plants that grow nowhere else on earth. Thirty-one species of plants that usually occur at elevations of 4,000 feet or more are found below 1,600 feet in the Gorge. The diverse climatic and geologic features of the Gorge result in the richest variety of ferns anywhere in the Northwest.

There are two strong arguments for federal participation in preparation and enforcement of a Gorge management plan regarding these remarkable botanic resources:

1. There is no state protection afforded rare and endangered plants in Oregon.

2. Endemic, threatened and endangered plants grow throughout the Gorge without regard to municipal, state and private boundaries.

Botanists will provide you with much additional information regarding plants of the Gorge. We have appended a copy of Rare, Threatened and Endangered Plant Life of the Columbia River Gorge Province, prepared by Jean Siddall. Individual species information can be found in Rare, Threatened and Endangered Plants in Oregon: An Interim Report, by Siddall, Chambers and Wagner. Julie Kierstead of the Native Plant Society of Oregon will discuss endemic plants found in the proposed National Scenic Area.

In addition, I am enclosing for the hearing record a list prepared by Dr. Russ Jolley, co-author with Lois Kemp of Survey of Wildflowers and Flowering Shrubs of the Columbia River Gorge, of 49 significant botanical areas of the Gorge lying on private or Washington Department of Natural Resources lands. Each site description includes perceived threats to the area, and may be keyed to an SMA overlay map of the Friends of the Columbia River Gorge's resource map prepared as exhibit 5 for the Senate workshops held June, 1985. This new map is included in the conservationists' briefing book that is being circulated this week among Senate and House Gorge oversight committee members. In addition, sources of pertinent botanic information include the Oregon Natural Heritage Program, the Washington Natural Heritage Program, and the 1980 National Park Service Columbia River Gorge Study.

ANIMALS

Fish and Wildlife Habitat

The Gorge provides an important migration route and set of unique environments for a diverse array of animals. Please refer to the significant fish and wildlife habitat matrix, keyed to the map from the conservationists' briefing book. The category of fish and wildlife habitat needs more research by pertinent agencies before critical areas can be identified with precision, e.g. how far up the various tributaries, if not the entire lengths, valuable fisheries habitat exists. Sources of this information include U.S.F.W.S., the Washington Department of Game, and the Oregon Department of Fish and Wildlife. Sources of wildlife habitat information in the Gorge include the Oregon Natural Heritage Program, Washington State University, Oregon State University, and the 1980 National Park Service Study. Another excellent wildlife source is "Inventory of Riparian Habitat and Associated Wildlife along Columbia and Snake Rivers." Other mammals of interest are described in the tributary section of this testimony. On the Washington side of the Gorge, all land on south-facing slopes below the 2200 foot contour line and outside of urban areas is classified by the Washington Department of Game as important big game winter range. These lands, not individually identified, are represented by a boundary at the 2200 foot contour line. Please note the Wildlife section in the 1980 National Park service study appended to this testimony:

"A number of threatened or endangered species are found in the region. While the State of Washington has not labeled any species as rare, threatened, of endangered, it has created a working list of species of special interest. The Oregon Department of Fish and Wildlife has recognized 12 species as either threatened or endangered. Some of these are also included on the U.S. Fish and Wildlife Service's List of Candidate Endangered and Threatened wildlife and plants (Federal Register, January 17, 1979). Five of these species-- western spotted frog, northern spotted owl, northern bald eagle, Arctic peregrine falcon, and Aleutian canada goose -- may currently be found within the Gorge study area; the last two are only winter migrants. Two other species, American peregrine falcon and the Columbian white-tailed deer, were historically present in the gorge."

The most spectacularly represented group of vertebrates is the amphibians and reptiles. The Gorge corridor is especially important to these animals. A descriptive list of these is provided for the hearing record by Portland Audubon Society with the assistance of northwest herpetologists who have been studying vertebrate population dynamics in the Gorge for many years. Sources include Dr. Richard Forbes, Portland State University; Dr. Robert Storm, Professor Emeritus of Zoology, Oregon State University; and Dr. John Larsen, Professor of Zoology, Washington State University. In addition, please refer to Exhibit 18, Friends of the Columbia River Gorge June 12, 1985 workbook describing the distribution of some unique Pacific Northwest salamanders, and IUCN information on the Larch Mtn. salamander.

Amphibian Species of Special Concern:

Larch Mountain Salamander: This species is the premier amphibian of the Gorge. It is an endemic, occurring nowhere else in the world. Its habitat needs are illustrative of the importance of coordinated land use planning. Quarrying activities in at least two instances have resulted in slope destabilization in its preferred habitat of talus slopes. Aerial spraying of powerline rights-of-way is another potential impact that needs study. It is noteworthy that this species' status is uncertain and is currently under review as a candidate for Threatened or Endangered status.

Tiger Salamander: This species ranges westward along the Columbia to about Hood River, which is the westernmost extent of its range.

Oregon Slender Salamander: Known only from the Gorge and southward in the Cascades.

Woodhouse's Toad: There is a small, disjunct population from Boardman to The Dalles. This is the westernmost population of this species.

Amphibians of Special Interest:

The following species are of interest because of their distribution patterns with respect to the Columbia River Gorge. Individual species information is available for other species of special interest: Pacific Giant Salamander, Olympic Salamander, Northwestern Salamander, Rough-skinned Newt, Ensatina, Western Red-backed Salamander, Dunn's Salamander, Clouded Salamander, Tailed Frog, Red-legged Frog and Leopard Frog.

Reptiles of Special Concern:

Sharp-tailed Snake: Possibly in the west end of the Gorge, then at the lower end of the Deschutes River near The Dalles. This species is protected in Oregon. It is probably one of the two least known snakes in Orégon and every effort should be made to protect its habitat.

California Mountain Kingsnake: This snake occurs in southwestern Oregon and is known from site records from the lower Deschutes river near The Dalles and westward to Hood River, and around Lyle, Washington. It is, again, important to protect its habitat.

Ringneck Snake: This species occurs along the Columbia River only in the Gorge between Portland and The Dalles. The Gorge is an important corridor for this species.

Leopard Lizard: There are old reports of a population from The Dalles area. It is a protected species in Oregon.
Reptiles of Special Interest:

As with the amphibians, these species are of interest because of their distribution patterns within the Gorge.

Sagebrush Lizard, Side-blotched Lizard, Southern and Northern Alligator Lizards, Rubber Boa, Racer, Striped Whipsnake, Gopher Snake and Northwestern Garter Snake.

Birds:

The Gorge offers numerous sites for the reintroduction of Peregrine Falcons. There are also large numbers of wintering Bald Eagles and many nesting Osprey. As with plants and other animals, birds use the Gorge as a major migratory passage and a large number of species winter in the Gorge.

Note the 1980 Park Service study, which contains the following information on birds of special interest in the Gorge:

"The northern spotted owl is also considered by the Oregon Department of Fish and Wildlife to be threatened. This rodent-eating owl depends on dense old-growth stands for habitat. Logging has reduced the amount of old-growth stands throughout Oregon and Washington, and therefore threatens the northern spotted owl population.

In this area the northern bald eagle is considered by both the U.S. Fish and Wildlife Service and the Oregon Department of Fish and Wildlife to be threatened, and it is included on the list of species of special interest in the State of Washington. It has been suggested that the decline in the bald eagle population within this area is due to the loss of nesting habitat, and the decline in salmon.

The American peregrine falcon is also considered by both federal and state authorities to be endangered, and it is on Washington's list of species of special interest. This bird historically bred in Oregon, although no active nests are now known. A two-year survey of historical nest sites was initiated in 1978, and a recovery plan is being developed for the Pacific Coast states."

Invertebrates:

Aside from butterflies, little is known about insect and other invertebrate populations which depend on the endemic and threatened plant species of the Gorge. It has been estimated that for every plant extinction between ten and thirty species of invertebrates vanish from the earth. Coordinated planning efforts which ensure protection of endemic and Threatened and Endangered plant species will have the added benefit of protecting numerous invertebrates about which we know little. Attached is a list of 103 species of butterflies, along with their status, distribution and host plants, (this includes 4 rare and 7 scarce species that have been recorded in the six counties adjoining the Columbia River Gorge), prepared by John Hinchcliff, lepidopterist.

TRIBUTARIES

Portland Audubon Society along with other conservation groups, is calling for inclusion of the following major tributaries in the National Wild and Scenic Rivers System: the Sandy, Hood, and lower Deschutes on the Oregon side, and the Wind, Little White Salmon, White Salmon and Klickitat on the Washington side. These tributaries need federal protection to preserve their own outstanding wildlife and habitat values. Preservation of riparian corridors and water quality and quantity is integral to the life support system for the Columbia River.

National Wild and Scenic Rivers designation would have the following benefits:

First, federal land managing agencies with holdings in the protected corridor would be under clear direction to manage those lands to protect and enhance wild and scenic resources.

Second, while Land and Water Conservation Funds are available to state governments for scenic waterway purposes, the likelihood of securing adequate funding for necessary acquisitions is greatly enhanced by federal status.

Third, only inclusion in National Wild and Scenic Rivers System prohibits the Federal Energy Regulatory Commission from licensing hydroelectric projects on those streams.

A profile of each proposed Wild and Scenic river is provided in the conservationists' briefing book and is appended here for the hearing record. Included is a description of the resources (vegetation, fish and wildlife) and the threats to these values. This information was prepared by the Oregon Natural Resources Council.

Sandy River

Vegetation: The Sandy flows primarily through a Douglas-fir western hemlock forest. Other tree species found along the stream include western red alder, Pacific dogwood, sandbar willows and black cottonwood. Salal is also common. The diversity of vegetation is a notable characteristic of the Sandy River corridor. An unusual cold air drainage pattern along the floor of the canyon allows the occurrence of lodgepole pine and true fir species normally found only at high elevations. The Nature Conservancy owns a preserve in the Sandy River Gorge.

Fish: The most abundant fish species in the Sandy system is winter steelhead. Other species include fall and spring Chinook salmon, Coho salmon, both sea-run and resident cutthroat trout, shad and an occasional run of smelt. Most of the fish other than shad and smelt spawn upstream from the current State Scenic Waterway. Sport fishing on the Sandy is extremely popular.

Wildlife: Species found along the Sandy include black-tailed deer, bear, cougar, bobcat, beaver, mink, river otter, osprey, bald eagle (threatened in Oregon and endangered in most other states), osprey, Pacific giant salamander, rough-skinned newt, and Oregon slender salamander as well as several species of waterfowl, hawks and owls.

Threats: While there are no current hydroelectric dam applications pending on the Sandy, several sites are open for filing. The Marmot Dam, a diversion project with fish passage and an associated small reservoir, exists on the mainstem 11.5 miles upstream from Dodge Park. It diverts water to storage on the Bull Run River, and at one time it would occasionally leave the stream between the dam and the mouth of the Bull Run River dry. This situation has been remedied by a minimum stream flow agreement between the Oregon Department of Fish and Wildlife and Portland General Electric of at least 200 cubic feet per second at all times.

The most serious threat to the Sandy is that of suburban sprawl. As the Portland metropolitan area continues to expand, recreational pressures will continue to increase, and more developments will be proposed along its shores. Wild and Scenic River status is needed to prohibit the decline of natural, scenic and recreational values associated with the Sandy River.

Hood River

Vegetation: Although the Hood flows off the east slope of the Cascade Range, much of the forest is Douglas-fir/western hemlock more characteristic of west of the mountains. This forest is often intermixed with open pine and oak stands more typical of the drier climate. This juxtaposition provides both biological and scenic diversity.

Fish: The Hood is best known for its summer steelhead fishery. The river system also supports winter steelhead, spring and fall Chinook salmon, coho salmon, sea-run cutthroat trout and rainbow trout. The Oregon Department of Fish and Wildlife has an active rainbow hatchery program for the East Fork and numerous stream habitat improvements underway on the West Fork with the cooperation of the US Forest Service and Bonneville Power Administration.

Wildlife: Species along the Hood River include black-tailed deer, black bear, coyote, elk, osprey, and various species of hawks, owls, and waterfowl. The middle portion of the river is important elk wintering range.

Threats: There are nearly a half dozen currently proposed hydroelectric power projects in the river basin, with at least half of them having a potential direct impact on anadromous (salmon and steelhead) fish. No cumulative impact assessment of these proposals has been prepared. The Hood River and its three forks are also threatened by irrigation structures and withdrawals, clearcut logging, channelization and other developments.

Lower Deschutes River

Vegetation: The vegetation of the Lower Deschutes is primarily sagebrush, juniper and grasses. As the river approaches the Columbia, the juniper thins out and grasses increase. Cedar Island (10 miles downstream from Sherars Bridge) has a small stand of Incense cedar, which is at the northeast edge of its range. Estes wormwood (Artemisia ludoviciana ssp. estesii), a unique kind of sage, is native to the canyon, and listed as rare on the US Fish and Wildlife Service's concern list.

Fish: The most valuable fishery resource associated with the Lower Deschutes is the summer steelhead runs, which average 10,000 fish annually. Rainbow trout are also abundant, especially between Maupin and the White River and the Kaskela to Rainbow stretch. Other species include winter steelhead, spring Chinook, dolly varden trout and occasional coho salmon. Fishing along the river is very popular, and some restrictions have been applied to maintain populations.

Wildlife: Species in the canyon include mule deer, coyote, black bear, Rocky Mountain elk, mink, muskrat, otter, pronghorn antelope, a few black-tailed deer, cougar, upland game birds and waterfowl, numerous song birds, bald (threatened in Oregon, endangered in most other states) and golden eagles, osprey, various hawks and owls.

Threats: Strong opposition forced the BLM to withdraw their 1977 proposal to pave the Mack's Canyon Road. Opposition was primarily based on a concern that paving the road would allow such increased use of the area that fish and wildlife resources would be adversely affected, and the relatively wild character of the river would be lost. That proposal has yet to be brought up again. There are no pending applications for hydroelectric development on any of this portion of the river.

In addition, we advocate a prohibition of hydroelectric development in both the National Scenic Area and Special Management Areas. A specific goal of the legislation should be the protection of the salmon and steelhead runs in the Columbia River system and should state this to be a responsibility of the federal government. Hydroelectric generation facilities on the tributary streams to the Columbia River must be prohibited to protect fisheries.

SPECIAL MANAGEMENT AREAS (SMA's)

We support the concept of the SMA's in both Sandy and Hood River. We suggest that the boundaries be carefully evaluated prior to enactment of the legislation to include vital sensitive lands. In the Senate bill, we advocate inclusion of Bridal Veil and Dodson-Warrendale within the Gates of the Gorge SMA, as proposed in HR 4221.

We are concerned about development pressures on areas that do not become SMA's. Accordingly, we are concerned about actual prioritization for acquisition, as well as availability of funds, since land use regulations expire on private lands in three years in the Senate bill (and five in HR 4221). We reiterate our advocacy for the strongest possible standards for development, including the interim management period.

Rowena SMA

We advocate SMA status for the magnificent Rowena area east of Mosier to Crates Point, to just over the ridgeline of Sevenmile Hill on the Oregon side of the river. The new SMA would be approximately 7000 acres. Please refer to the attached map of the Rowena SMA, which is also in the Conservationists' Briefing book.

Description of the Area:

Rowena plateau is situated between Hood River and The Dalles, Oregon and is noted for its open, oak savanna landscapes and glorious wildflower displays in the spring. Vernal ponds and wetlands support unique communities of moisture loving plants - buttercups, saxifrages, and shooting stars. By April, Rowena's hillsides are ablaze with blue camas lilies, pink onions, and bright yellow balsamroot. This natural parkland offers spectacular views for miles up and down the Columbia River as well as of Mt. Hood and Mt. Adams.

A portion of this proposed SMA has been protected through acquisition by Oregon State Parks and The Nature Conservancy. This protected land is broken up by privately-owned property, desirable for residential development.

A Rowena SMA is needed to expand the existing public lands and incorporate them into a manageable unit, provide a trail system, ensure that the vistas from the Catherine Creek SMA are not further destroyed, and protect a dramatic section of the 1915 Scenic Highway. In addition, this area affords opportunities for recreation at times of the year when most of the hiking trails in the Pacific Northwest are covered with snow.

The following includes outstanding botanic sites in the area. This information was furnished by Dr. Russ Jolley.

Mosier Point - this 40 acre area is a gently-sloping bench bounded on two sides by vertical cliffs. It is mostly grassland with some pine/oak/Douglas-fir woodland. At last report, it was not grazed. Two listed species have been found here. There is a threat of residential construction on this bench.

U.S. Thirty Ponds - These two vernal ponds lie next to U.S. 30 east of Mosier. Excellent populations of certain species are found here, including showy species such as Plagiobothrys figuratus, Downingia elegans, and Wyethia amplexicaulis. Ranunculus lobbii is on ONHAC's "watch" list. These pond areas are not disturbed by grazing, but at least one is threatened by residential development. Total area is about 2 acres.

West of Memaloose State Park - About 50 acres. The area west of the State Park, on both side of the freeway, is a very significant botanical area, containing 5 listed species, including probably the best population of Allium douglasii var. nevii in Oregon. There is also a large number of other native species and few introduced species. This area is seriously threatened, both by expansion of existing orchards and by residential construction. It should be protected.

Tom McCall Preserve Additions - This area contains basically the same plants as those in the Preserve, but in addition, the listed species Suksdorfia violacea. These additions would complete the integrity of the protected area. There are no active threats known at this time, but there are potential threats of residential construction since these parcels are owned by the developer of Rowena Dell. Total area about 60 acres.

Berthold Property - About 20 acres. this gently-sloping bench is bounded on the north by vertical cliffs. It is pine/oak woodland with considerable open grassland, but there is no evidence that it has ever been grazed. It is apparently pristine, with no introduced species. There is one listed species Dodecatheon poeticum, in an excellent population. Also, as a further evidence of its never having been grazed, this bench has what may be the largest population of Calochortus macrocarpus in the Gorge. There is a potential threat of residential construction on this bench.

Conclusion

In conclusion, Portland Audubon reiterates the need for strong federal legislation to ensure the protection, conservation and enhancement of the Columbia Gorge, a truly unique resource and national treasure.

If we are to have truly protective Gorge legislation this year, we must have a strong bill from both the Senate and the House - a bill with teeth, one that will be enforced. We ask your help to produce that bill this year.

Thank you for the opportunity to testify.

THE WILDERNESS SOCIETY

STATEMENT OF JEAN C. DURNING, NORTHWEST REGIONAL DIRECTOR, SOCIETY, ON S. 2055, THE COLUMBIA RIVER GORGE NATIONAL SCENIC AREA ACT, BEFORE THE SENATE SUBCOMMITTEE ON PUBLIC LANDS AND RESERVED WATER, JUNE 17, 1986.

The Wilderness Society, with 160,000 members, is dedicated to the protection of America's natural heritage including its prime forests, rivers, and shorelands. The Columbia River Gorge is a spectacular example of that prime landscape.

We commend the Senators from Oregon and Washington for the energy they have spent in developing legislation to protect the Columbia Gorge. We are pleased to join them in this historic effort. We share with Senators Packwood, Hatfield, Evans, and Gorton the goal of preserving the magnificent landscape of the Columbia River Gorge as an asset to all Americans.

From sagebrush rangeland through ancient old-growth forests to where Portland--and Vancouver suburbs now extend, the Columbia carved a way through the Cascade Mountains that became a migration route for incredible millions of salmon. Centuries ago the Gorge became the major center of trade among Indians of the Northwest. It was the natural route for Lewis and Clark, for the first immigrants on the Oregon Trail, and for transcontinental railroads. Its spectacular scenery still inspires artists and tourists and its own residents.

This Committee and the four Senators from Washington and Oregon rightly recognize the importance of protecting this

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historic and scenic land, so that our posterity may see it much as it exists today. We appreciate your work to find an acceptable resolution after decades of attempts to save the Gorge.

The Wilderness Society would prefer management of the Columbia River Gorge under the National Park Service. But so long as strict management standards are specified and enforcement is required, we would support the approach of S. 2055 in giving first responsibility for most of the land to a state--and--local commission.

For S. 2055 to protect the Gorge, however, the standards under which the commission allows development to occur must be made stronger and clearer. Outside the Special Management Areas, management will not be by an agency with known policies and experience; therefore more details must be included in the legislation.

As drafted, S. 2055 is weaker than current regulations of some Gorge counties and the standards of the existing Gorge Commission. Housing development, for example, should be limited to present towns and settlements. Commercial and industrial development should only be allowed in urban areas. Care must be taken to prevent incremental development that would have a cumulative adverse impact on the scenic Gorge. Language prohibiting "substantial impairment" should be changed instead to prohibiting "adverse impairment". Mining and hydroelectric development should be specifically prohibited in special management areas and carefully restricted throughout the Gorge National Scenic Area.

Standards must also be strong and clear during the interim until the management plan is adopted.

Of equal importance, enforcement of the management plan must be mandatory, not discretionary. Enforcement is the foundation of all law. Given the history of opposition to zoning in some rural Gorge counties, it is essential that the Commission be required to enforce compliance with its management plan.

These are the most essential two changes needed to S. 2055 if the Columbia Gorge is actually to be protected: standards for the Commission's management plan must be stronger and enforcement must be mandatory.

In addition, The Wilderness Society supports the detailed positions of other environmental witnesses: A larger majority should be required to override a federal veto of the management plan than the number which originally approved that plan. The scenic tributaries to the Columbia Gorge should be protected. Crucial scenic lands should be given protection as Special Management Areas. The constitutionality of the bill should be clarified.

The Wilderness Society and other conservation leaders are willing to work with you to resolve remaining differences on management of the Gorge. This Congress is the time to enact effective legislation. With these changes we believe that S. 2055 would indeed protect the magnificent landscape of Columbia River Gorge.

Senator EVANS. Thank you very much.

Mr. Andy Kerr.

STATEMENT OF ANDY KERR, ASSOCIATE DIRECTOR, CONSERVATION, OREGON NATURAL RESOURCES COUNCIL, EUGENE, OR

Mr. KERR. Thank you, Senator.

While the scenic and natural values of the Columbia River Gorge proper have been the most obvious reason for strong Federal protection, many of these highly acclaimed values are associated with the major tributary rivers to the mainstem Columbia.

The Sandy, Hood, and Lower Deschutes in Oregon need Federal protection to preserve their outstanding scenic, recreational, fish and wildlife, cultural, historical, geological, botanical, and other resources, as well as similar values like that in the gorge itself.

Conservationists support inclusion of these rivers in the National Wild and Scenic Rivers System. They not only quality on their own merits, but they would be especially beneficial additions to the system because of their close association with the Columbia River Gorge itself.

In Oregon, the Lower Deschutes is already a State scenic waterway and should be designated as an instant addition to the national system. We would suggest that management responsibilities be shared with the State of Oregon, the Confederated Tribes of the Warm Springs, and the Bureau of Land Management, the latter being the major landholder in the segment.

The Sandy River on the west end of the scenic area is also worthy and in need of protection. A lower segment of the Sandy is already designated a State scenic waterway and should become an instant addition to the national system, along with the short portion of the river below the State designated segment to the mouth of the Columbia. Additionally, the upper segment should be studied for potential addition to the system.

The Hood River and its three major tributaries should be studied for potential inclusion in the national system. This would include the main, the middle, east and west forks.

Where recommended, we think Federal studies are appropriate to make recommendations as to exactly which stretches should be designated and in which category under the Federal Act—either wild, scenic, or recreational—that these segments should be classified.

We believe that Federal classification is valuable and important for the existing State of Oregon Scenic Waterways and and other streams for a variety of reasons. First and foremost, only inclusion in the National Wild and Scenic Rivers System prohibits the Federal Energy Regulatory Commission from licensing hydroelectric projects on those streams.

Second, while the land and water conservation funds are available to State governments for scenic waterway purposes, the likelihood of securing adequate funding for necessary acquisitions, such as going on along the Deschutes now, is greatly enhanced by Federal status.

Third, Federal land managing agencies with holdings in the protected corridors would be under clear direction to manage those lands to protect and enhance the natural values.

And, Mr. Evans, you pointed out a fourth point in your questioning earlier, as the main gorge itself is protected, there is going to be more pressure on the tributaries. And so I would that as my fourth point.

The major tributaries of the Columbia in the gorge are an important part of the life support system for the main stem. Tributary protection should be considered a vital part of any legislation for the gorge. And we think that inclusion in the National Wild and Scenic Rivers System is the most effective way to ensure that protection.

Thank you.

[The prepared statement of Mr. Kerr follows:]

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Statement of

Andy Kerr
Associate Director for Conservation

Before the

Subcommittee on Public Lands
Energy and Natural Resources Committee
United States Senate
Washington, DC
June 17, 1986

While the scenic and natural values of the Columbia River Gorge proper have been the most obvious reason for strong federal protection, many of these highly acclaimed values are associated with the major tributary rivers to the mainstem Columbia.

The Sandy, Hood and Lower Deschutes in Oregon need federal protection to preserve their outstanding scenic, recreational, fish and wildlife, cultural, historical, geological, botanical, and other resources, as well as similar values in the Gorge itself.

Conservationists support inclusion of these rivers in the National Wild and Scenic Rivers System. They not only qualify on their own merits, but would be especially beneficial additions to the system because of their close association with the Columbia River Gorge.

In Oregon, 100 miles of the Lower Deschutes (from Pelton Dam downstream to the confluence with the Columbia) is already a State Scenic Waterway and should be designated as an "instant" addition to the national system. Management responsibilities should be shared with the State of Oregon, and the Confederated Tribes of the Warm Springs Reservation and the Bureau of Land Management, the major land holder in the proposed segment.

The Sandy River (from its source on Mount Hood to its confluence with the Columbia River, a distance of 58.9 miles) is also worthy and in need of protection in the National Wild and Scenic Rivers System. A lower 12.5-mile segment of the Sandy (from Dodge Park downstream to Dabney Park) is already designated a State

Scenic waterway and should become an instant addition to the National Wild and Scenic Rivers System along with the short portion of the river which flows downstream to the Columbia. Additionally, the remaining 36.4 miles should be studied for potential addition to the national system.

A total of 70 miles of the Hood River and its three major tributaries should be studied for potential inclusion in the national system. This would include: 14 miles of the main stem downstream from the confluence of the East and West Forks to the confluence with the Columbia River; all 17 miles of the West Fork, from its source to the confluence with the East Fork; all 9 miles of the Middle Fork, from the confluence of the Clear Branch and Elliot Branch to its confluence with the East Fork; and all 30 miles of the East Fork, from its source to the confluence with the West Fork.

Where recommended, federal studies are appropriate to make recommendations as to exactly which stretches should be designated and in which category under the federal Act (wild, scenic or recreational) they should be classified.

Federal classification of existing Oregon State Scenic Waterways (none of the Washington streams are similarly designated) as a component of the Wild and Scenic Rivers System is desirable for a variety of reasons. First and foremost, only inclusion in National Wild and Scenic Rivers System prohibits the Federal Energy Regulatory Commission from licensing hydroelectric projects on those streams.

Second, while Land and Water Conservation Funds are available to state governments for scenic waterway purposes, the likelihood of securing adequate funding for necessary acquisitions is greatly enhanced by federal status.

Third, federal land managing agencies with holdings in the protected corridor would be under clear direction to manage those lands to protect and enhance wild and scenic resources.

The major tributaries to the Columbia River in the Gorge are an important part of the life support system for the main stem. Tributary protection should be considered a vital part of any legislation for the Gorge. Inclusion in the National Wild and Scenic Rivers System is the most effective way to ensure that protection.

SANDY RIVER

Current Status

The Lower Sandy River from Dodge Park (near the mouth of the Bull Run River) downstream 12.5 miles to Dabney Park (at the Stark Street Bridge near Troutdale) is designated as an Oregon State Scenic Waterway. It was proclaimed by then-Governor Tom McCall in 1973.

The Scenic Waterway is classified from Dodge Park to Indian John Island (3.8 miles) as a "natural river area." Such a classification means that it is primarily natural and only accessible by trail or boat. From Indian John Island downstream to Dabney Park (8.7 miles) is classified as a "scenic river area," meaning that it is in a primarily natural state, but has some access by road.

Recommendations

The Sandy River (from its source on Mount Hood to its confluence with the Columbia River, a distance of 58.9 miles) is worthy of and in need of protection in the National Wild and Scenic Rivers System. The 12.5 mile Scenic Waterway portion should be made an "instant" addition to the federal system. The remaining 36.4 miles should be made a "study" river under the federal Act and be formally reviewed for potential inclusion in the national system.

Political History

As a testament to the public support for protection of the Sandy River, it was the only stream segment in the Oregon State Scenic Waterways System designated through administrative action by the Governor. This was the result of a cumbersome review process by which other fine streams (including the North Umpqua and the Wallowa-Grande Ronde) have been destined to fall short of designation.

A major tributary to the Sandy, the Salmon River, is identified in the National Park Service's Nationwide Rivers Inventory as being suitable for inclusion in the National Wild and Scenic Rivers System. The river was found to qualify for inclusion from its source to its confluence with the Sandy. It was described as "extraordinary mountain stream on the flanks of Mount Hood; has a wild, narrow canyon portion with numerous cascades and water falls and dense vegetation; important potential steelhead and to some extent, salmon resource." A portion of the Salmon River was included in the Salmon-Huckleberry Wilderness in 1984.

Overview

The Sandy River has its source on the north and west slopes of Mount Hood in the Wilderness of the same name. Of the large west-flowing Oregon Cas- cade Range streams, it is the only one primarily glacial in origin. As a result, it retains the appearance of "opaque glacial milk" late into the summer when other rivers run clear. In addition, the water level in summer fluctuates with daily changes of temperatures. The Sandy is considered to be a "young" stream because it is still in the process of both downcutting and lateral movements of the channel. Three major tributary rivers flow into the Sandy (Bull Run, Zigzag and Salmon Rivers).

Highlights of the river canyon include a 2,000-foot long box canyon just below the mouth of the Bull Run River, and "Blue Hole," a favorite fishing spot, especially for winter steelhead. Elevation of the river ranges from 50 to 7,000 feet.

Geology

The Sandy River flows through three principle geologic formations: Sandy River Mudstone (with fossil leaves dating from the Pliocene), Troutdale Formation, and discontinuous Boring (named after a nearby city) lavas.

Vegetation

The Sandy flows primarily through a Douglas-fir/western hemlock forest. Other tree species found along the stream include western red alder, Pacific dogwood, sandbar willows and black cottonwood. Salal is also common. The diversity of vegetation is a notable characteristic of the Sandy River corridor. An unusual cold air drainage pattern along the floor of the canyon allows the occurrence of lodgepole pine and true fir species normally found only at high elevations. The Nature Consevancy owns a preserve in the Sandy River Gorge.

Fish

The most abundant fish species in the Sandy system is winter steelhead. Other species include fall and spring Chinook salmon, coho salmon, both sea-run and resident cutthroat trout, shad and an occasional run of smelt. Most of the fish other than shad and smelt spawn upstream from the current State Scenic Waterway. Sport fishing on the Sandy is extremely popular.

Wildlife

Species found along the Sandy include black-tailed deer, bear, cougar, bobcat, beaver, mink, river otter, osprey, bald eagle (threatened in Oregon and endangered in most other states), osprey, Pacific giant salamander, rough-skinned newt, and Oregon slender salamander as well as several species of waterfowl, hawks and owls.

Recreation The fact that over a million people live within 40 miles of the wild stretches of the Sandy is almost unbelievable. Fishing, hunting, hiking, rafting, boating, kayaking, birdwatching, picnicking, camping and swimming are among the popular recreational pursuits supported by the river. Oxbow Park (Multnomah County) and Dodge Park (City of Portland) are very popular spots in the summer. In 1983 Oxbow Park was almost closed because of a lack of funding for maintenance. A massive public outcry made funds available. Virtually the entire river, from high on the slopes of Mt. Hood to where it joins the Columbia, is boated using rafts, kayaks and canoes.

Threats

While there are no current hydroelectric dam applications pending on the Sandy, several sites are open for filing. The Marmot Dam, a diversion project with fish passage and an associated small reservoir, exists on the mainstem 11.5 miles upstream from Dodge Park. It diverts water to storage on the Bull Run River, and at one time it would occasionally leave the stream between the dam and the mouth of the Bull Run River dry. This situation has been remedied by a minimum stream flow agreement between the Oregon Department of Fish and Wildlife and Portland General Electric of at least 200 cubic feet per second at all times.

The most serious threat to the Sandy is that of suburban sprawl. As the Portland metropolitan area continues to expand, recreational pressures will continue to increase, more developments will be proposed along its shores, et cetera. Wild and Scenic River status is needed to prohibit the decline of natural, scenic and recreational values associated with the Sandy River.

HOOD RIVER

Current Status

The Hood River has to-date received no state or federal protection. Its valuable salmon and steelhead habitat, its close proximity to a large metropolitan area, and the overwhelming number of proposals for hydroelectric developments that have occurred in recent years make the need for action very great.

Recommendations

A total of 70 miles of the Hood River and its three major tributaries should be studied for potential inclusion in the National Wild and Scenic Rivers System. The study should be conducted by the National Park Service. The mainstem portion 14 miles downstream from the confluence of the East and West Forks to the city limits of Hood River. The West Fork flows 17 miles from its source to its confluence with the East Fork. The Middle Fork flows 9 miles from the confluence of the Clear Branch and

Elliot Branch to its confluence with the East Fork. The East Fork runs 30 miles from its source to the confluence with the West Fork.

Physical Description

The Hood River flows from glaciers on the north, east and south slopes of Mount Hood. Many of the streams of the upper watershed are very steep, glacial in origin, and have very low water temperatures. At the confluence of the West and East Forks, the river course becomes far more gradual and flows through agricultural lands. Elevation ranges from 80 feet at the mouth to 6,200 feet at its origin.

Vegetation

Although the Hood flows off the east slope of the Cascade Range, much of the forest is Douglas-fir/western hemlock more charcteristic of west of the mountains. This forest is often intermixed with open pine and oak stands more typical of the dryer climate. This juxtaposition provides both biological and scenic diversity.

Fish

The Hood is best known for its summer steelhead fishery. The river system also supports winter steelhead, spring and fall Chinook salmon, coho salmon, sea-run cutthroat trout and rainbow trout. The Oregon Department of Fish and Wildlife has an active rainbow hatchery program for the East Fork and numerous stream habitat improvements underway on the West Fork with the cooperation of the US Forest Service and Bonneville Power Administration.

Wildlife

Species along the Hood River include black-tailed deer, black bear, coyote, elk, osprey, and various species of hawks, owls, and waterfowl. The middle portion of the river is important elk wintering range.

Recreation

Estimated use of county, state and Forest Service parks, waysides and campgrounds in the Hood River basin is approximately 1,000,000 recreation visits annually. One route from the Portland area to the very popular Lost Lake recreation area is up the Hood River Valley from Interstate 84. The scenic beauty of the drive along the main stem and West Fork Hood River is part of the Lost Lake recreation experience.

The Hood River provides a challenging and spectacular experience for boaters, and is especially valued by kayakers. Its numerous Class 4 and 5 rapids (Class 6 is unboatable), offer many opportunities to sharpen kayaking skills. It is estimated that several hundred kayakers alone run the river and its forks each year. Other boating use figures are unknown.

Threats

There are nearly a half dozen currently proposed hydroelectric power projects in the river basin, with at least half of them having a potential direct impact on anadromous (salmon and steelhead) fish. No cumulative impact assessment of these proposals has been prepared. The Hood River and its three forks are also threatened by irrigation structures and withdrawals, clearcut logging, channelization and other developments.

LOWER DESCHUTES RIVER

Current Status

The Lower Deschutes River from Pelton Dam downstream 100 miles to its confluence with the Columbia River is designated an Oregon State Scenic Waterway. Designation occurred in 1970 by initiative vote of the people. Excluded from the designation is the incorporated town of Maupin on one side of the river. Almost all of the Scenic Waterway is classified as a "Recreation River Area," which is defined by the statute as readily accessible by road or railroad. Exceptions to that classification are the shore opposite the city of Maupin and the four miles directly below the Pelton Dam, which are classified as "River Community Area."

Recommendations

Conservationists recommend that Congress include the same 100 miles of the Lower Deschutes in the National Wild and Scenic Rivers System. Management responsibilities should be shared by the State of Oregon, Bureau of Indian Affairs (representing the Confederated Tribes of the Warm Springs Reservation) and the Bureau of Land Management.

Political History

As a result of a BLM proposal in 1977 to pave a 17-mile unimproved dirt road from Sherars Bridge to Mack's Canyon (the infamous Mack's Canyon Road), Senators Mark Hatfield and Bob Packwood and then-Congressman Al Ullman opposed the project stating "(t)his section of the Deschutes is part of a larger segment of the River currently being considered for inclusion in the National Wild and Scenic Rivers System. The additional increase in use fostered by paving the road could irrevocably change the unique character of the Deschutes corridor."

Land Ownership

Approximately one half of the land within the one-half mile river corridor is publicly-owned (Bureau of Land Management and State of Oregon). The state recently purchased 3,220 acres of private land, and is in the process of acquiring another 5,158 acres. This is being done with the assistance of private donations. The Warm Springs Indian Reservation owns 15% of the adjoining lands on the west bank. The remaining lands are privately owned.

Physical Description

The Lower Deschutes is located in north central Oregon in the rain shadow of the Cascade Range. The main stem of the river and its tributaries have cut dramatic geologic features into an otherwise undulating Columbia Plateau. Elevations range from 1,500-2,300 feet on the surrounding tablelands. Canyon walls are as high as 1,500 feet.

Vegetation

The vegetation of the Lower Deschutes is primarily sagebrush, juniper and grasses. As the river approaches the Columbia, the juniper thins out and grasses increase. Cedar Island (10 miles downstream from Sherars Bridge) has a small stand of incense cedar, which is at the northeast edge of its range. Estes wormwood (Artemisia ludoviciana ssp. estesii), a unique kind of sage, is native to the canyon, and listed as rare on the US Fish and Wildlife Service's concern list.

Fish

The most valuable fishery resource associated with the Lower Deshutes is the summer steelhead runs, which average 10,000 fish annually. Rainbow trout are also abundant, especially between Maupin and the White River and the Kaskela to Rainbow stretch. Other species include winter steelhead, spring Chinook, dolly varden trout and occasional coho salmon. Fishing along the river is very popular, and some restrictions have been applied to maintain populations.

Wildlife

Species in the canyon include mule deer, coyote, black bear, Rocky Mountain elk, mink, muskrat, otter, pronghorn antelope, a few black-tailed deer, cougar, upland game birds and waterfowl, numerous song birds, bald (threatened in Oregon, endangered in most other states) and golden eagles, osprey, various hawks and owls, etc. Hunting for mule deer, chukar and waterfowl is very popular.

Minerals

There is no active mining along the Lower Deschutes. Some collection of semi-precious gems has occurred.

Recreation

Recreation along the Lower Deschutes River includes boating (floating and power), rafting, kayaking, sightseeing, birdwatching, photography, fishing, hunting, hiking and camping. It is one of the most popular recreation areas in Oregon, and a large perecntage of the visitors come from population centers west of the Cascade Range. The Oregon Comprehensive Outdoor Recreation Plan (1978) projected a need for three times the number of existing hiking trails, double the number of campsites, and four times the area of parks by the year 1990.

Archaeology

The Lower Deschutes Canyon has evidence of man dating back at least 10,000 years.

Threats

Strong opposition forced the BLM to withdraw their 1977 proposal to pave the Mack's Canyon Road. Opposition was primarily based on a concern that paving the road would allow such increased use orthe area that fish and wildlife resources would be adversely affected, and the relatively wild character of the river would be lost. That proposal has yet to be brought up again. There are no pending applications for hydroelectric development on any of this portion of the river.

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June 10, 1986

Senator EVANS. Thank you very much.

Let me turn to Mr. Williams. You mentioned, as I remember—and I think I am accurate—in the earlier part of your testimony that subdivisions suddenly were springing up between your house and the river. Did you use the river at that point before the subdivision?

Mr. WILLIAMS. There are two subdivisions: one that was already in, and I live along Duncan Creek. And there was a subdivision built in the 1960's that the developer dammed up Duncan Creek and killed all the fish runs in it. He had promised to open it up at least in the winter to let the steelhead up and refused to do it. I am happy to say Mother Nature took care of that one about 3 years ago and I saw four steelhead last year in the creek.

The new one I was talking about was the 83-house Young subdivision. It was right between my family property and the river. And yes, I use that; that was owned by the neighbor across the creek, Mrs. Walker, before she passed away, and it was sold to subdividers. Yes, I spent a lot of time down there. There is a huge Indian petroglyph on a cliff right on the edge of the river and such. Yes, it was kind of like a backyard.

Senator EVANS. But somebody else's property?

Mr. WILLIAMS. Right. But up until the subdivider bought it, it was my neighbor's mother's property, and they were like family and, you know, I had the run of it.

Senator EVANS. Presumably not everybody else has the run of it.

Mr. WILLIAMS. This is the reason why we need more public ownership in Skamania County. People keep talking about how those of us fighting that subdivision were trying to keep people out. And what they had was they had 83 wealthy families who would be able to use that property. And if it goes into public ownership, everybody can use it, not just people like me that happen to be lucky enough to know the owners.

Senator EVANS. And so you are suggesting they buy the private property and make it public?

Mr. WILLIAMS. Yes. That parcel is critical.

Senator EVANS. How much of it?

Mr. WILLIAMS. That particular parcel is 67 acres.

Senator EVANS. But I mean in general. Would that be an appropriate thing to do in all cases, just make river fronts public property rather than private property?

Mr. WILLIAMS. I think in your special management areas you are along the same thinking that we have. We think there needs to be areas on the Washington side. For instance, right across the river from where we are is mostly in public ownership. And there is picnic areas and a widespread trail system.

And we would like something like that eventually long term, as people willingly sell their property, that the Washington side in the area go into public ownership. In the area David was talking about where he showed the painting he did, that area is prime for scenic easements. That is the place where hikers and cattle are compatible, and we have no desire to have that in public ownership. But we very definitely think that zoning and a commission will not protect it. We think that some kind of scenic easement needs to be worked on. But we think your special management areas are fairly close.

Senator EVANS. What do you do if nobody wants to give you a scenic easement?

Mr. WILLIAMS. Well, that is fine, as long as they do not try to develop it. I think you need those restrictions there. That is preferable.

Senator EVANS. It is OK in your view to have the Columbia Gorge protected by just not having anybody allowed to do anything as long as they maintain it all in private property?

Mr. WILLIAMS. Well, I do not go that far. I mean, I am not against all development. And we have always supported the urban area where most of the development should go.

Senator EVANS. But you are for gaining additional public access to these special areas?

Mr. WILLIAMS. Oh, without any doubt. There is only public access to the river in about the western third of the gorge.

Senator EVANS. What if people do not want to sell?

Mr. WILLIAMS. Well, then we have to wait. We are lucky in the gorge in that there is enough public land that we have an operable park right now and people go. I remember in Telegraphs Prairie, when I was working on that, there was a lot of controversy about did people want to sell. Well, in the 10 years that they fiddled around, over half the property had come up for sale on willing sellers.

And you have the same thing in Skamania County. I think the trusts for public lands are testifying today, and I think they would verify that they get a lot of offers to sell land from people that want to sell. Half the gorge is up for sale, it seems like. And I do not think you need to have forced sales except to block subdivisions or really adverse developments. We have enough public lands to have an operable park, and if it takes us 100 years before we get in some of the trails, that is fine. This is not for us. This is for our grandchildren.

Senator EVANS. Mr. Thies, how big is this Snowden community?

Mr. THIES. Excuse me, Senator?

Senator EVANS. How big is the Snowden community? How many people live there?

Mr. THIES. Approximately 350 people live there in the summertime.

Senator EVANS. How many in the wintertime, that is obviously the next question.

Mr. THIES. Probably about 250. We have a lot of snowbirds up there.

Senator EVANS. You recommend that the boundary in Major Creek Canyon, Rattlesnake Canyon, and Long Burdoin Mountain be raised up to and just beyond the rim. Does that mean up over the rim away from the viewline in the gorge?

Mr. THIES. That works in the bluffs, Senator. What we are trying to accomplish there is to prevent development right along the bluff lines so that, for example on Burdoin Mountain the people driving to the gorge are not looking up at a rim line of houses. But in for example Major Creek Canyon, some portions of this canyon cannot be seen from the gorge itself. You have to come into the canyon.

In our community we would like to see hiking trails throughout that canyon and we would like it so that when people came into that canyon they were not looking up in the rims of the canyon and seeing houses up there.

Senator EVANS. Mr. Evans, you commented, as you have done before on other legislation, that the Park Service is the only way to go and that somehow the local interest always fails. You speak about it specifically when you talk about the super majority. And I presume you have heard some of the questions and the answers today concerning nine votes rather than eight votes. Are you aware of any situation where you require a three-quarter super majority?

Mr. EVANS. First I do not believe I have always advocated national parks as the only solution. I was trying to point out what we perceive as the special qualities of this place, this particular gorge and what its values are.

As to the super majority idea, our reasoning here is that if it is the same majority that approves the plan, it will be pretty easy to get another majority and yes, I have heard the questions. I have not made a study of the kind of numbers you are talking about. I would be glad to look into it and try to get you or your staff whatever information I could.

Senator EVANS. Do you have any problem with having a majority of seven and then a super majority of eight, which is a two-thirds majority, if you are concerned that the same number of votes occurs for both the plan and the review of the plan?

Mr. EVANS. I guess my feeling goes to the heart of the composition of the commission itself. If representatives from each of the counties are on it and these are the same entities by and large which have been opposing any kind of strong Federal control or indeed any controls we have heard, then you already have a strong pressure for weak standards to begin with.

So with those kinds of numbers, it is going to be very difficult for someone with other views who may want to recognize a national or larger regional interest in the gorge to really protect it. I think in the Pinelands case in New Jersey for example where you had somewhat the same situation, representatives from local governments who had opposed the legislation all the way through were on there and they were able to stymie and stop the proposals to really protect the Pinelands for a long time. And I think we are setting ourselves up for the same situation here, which is why I feel we at least ought to have a super majority.

Senator EVANS. Are we setting ourselves up? In your view of the legislation, is there a limited time to build a plan based on the guidelines set in the legislation? Is there a specific time line?

Mr. EVANS. I think my concern about the time line here is what do we do in the interim? Supposing legislation like this passes, will there be an immediate land rush to stake out plats and development claims of various kinds?

Senator EVANS. Just leave that aside and assume that that is all preserved. Do you believe that there is a time line in the legislation for the counties and the Commission to develop a plan based on the guidelines in the legislation?

Mr. EVANS. I would have to review the legislation again to see. There were some time lines set. But as I read it, I felt they were not necessarily mandatory. They could be extended, depending on various circumstances.

Senator EVANS. What circumstances could they be extended under?

Mr. EVANS. I would have to look at the legislation again.

Senator EVANS. You are not very familiar with the legislation, are you?

Mr. EVANS. Pardon?

Senator EVANS. You are not very familiar with the legislation?

Mr. EVANS. Yes, I am. I read it in great detail as we were going through draft after draft. But I have to confess I have been working on other matters in recent weeks.

Senator EVANS. What happens if the commission does not, within the deadlines, come up with a plan?

Mr. EVANS. If the commission does not come up with a plan, the Secretary, as I recall, can impose his own plan.

Senator EVANS. I guess maybe you had better go back and read the plan.

Do you believe that most people in the local communities down there are in favor of gorge legislation or opposed?

Mr. EVANS. We have certainly heard a diversity of opinions here today. We have some people sitting here with me who are from the gorge who favor the legislation. We have heard others who do not.

Senator EVANS. What is your perception?

Mr. EVANS. My perception is pretty much what Mr. Fawbush said earlier that there was probably a slight majority in favor of it.

Senator EVANS. If there is a slight majority in favor of it, why do all the officials come out in opposition? Are they not elected by the people who live in the gorge?

Mr. EVANS. Well, I think the people who live here could certainly adequately comment on that. I think your experience also has been with legislation like this, that often you get opposition based on fears of what might be, rather than what really is.

For example, when I listened to the previous panel, I was thinking they were assuming there would be Federal control over every economic activity they had and yet very large areas of the gorge are exempted from any provisions of this legislation for economic purposes. I felt that that was a good crafting job by your staff and others to do just that. I think the fears are exaggerated and legislation is not always understood.

Further, many communities in the past around the country have often opposed legislation like this for various reasons. The legislation passes, and they are delighted with it. It diversifies their economy and helps them in many ways that they do not realize at the time.

Senator EVANS. Do you believe that that would be likely to happen here?

Mr. EVANS. Yes, I certainly do.

Senator EVANS. If that happens here and they are delighted with the legislation after it passes, then would not the representatives of the localities who serve on the commission be just as delighted and just as likely to help with an appropriate plan?

Mr. EVANS. They would be after a period of time. But I think in the beginning of it all, the same representatives who have opposed all this would be likely to be members of the commission or have control over the appointments to it, and that would lead to the situation we are concerned about.

Senator Evans. Just one final question. You say in your statement that you are opposed to the provision which requires the Secretary to buy a landowner's property after bona fide sales offer to the Government within 3 years.

How long do you expect people to wait? They may be in trouble, they may need the money, they may have nobody else to sell to. Are they to wait for 3 years? I think that is a long time, frankly.

Mr. Evans. Well, I think that is a valid point you make and it is a concern all the way through. Our feeling about it is that given the nature of Gramm-Rudman and the Congress and the way the land and water conservation fund appropriations have been going, the money may not be available and the Forest Service will be faced with a Hobson's choice: Except the property and not have the money or just let the land be developed.

If there is some way to guarantee the funding is there, I think that is great, and I do not think the landowners really in trouble should be harmed if there is some way to avoid it. We would be delighted to try to work with you and others to see what we could do to avoid that particular kind of situation.

Senator Evans. I just do not see how we can wait 5 to 6 years. It would be a gross unjustice to people who are attempting to sell and who may be in very difficult situations financially.

Mr. Williams. One thing about the local control. In Klickitat County, for instance, all the commissioners are from far, far outside the gorge. They for instance have tried to force us to take six dams on the White Salmon River even though 95 percent of the residents of that valley signed a petition against those dams. The powers that be are up in Goldendale, far, far away from the gorge, and we are continually having development to build up their tax base forced upon gorge residents, so that we do not necessarily have local control, as such.

Senator Evans. Is the population pressure so great up that way that even in one commissioner's district you do not have adequate support from the people who live in your territory?

Mr. Williams. It has been going back and forth. The area around the gorge right now I would say is about 50/50, and it swings back and forth with elections kind of pro and con on this. If you take out the Federal legislation and you ask people if they want the gorge to stay just like it is now, even in Skamania County you will have 95 percent of the people and we had, for instance Susan was talking about zoning, we had hearings where it was 95 percent of the people wanted zoning immediately in the 1970's. It did not matter; we never got zoning.

There are a lot of scare tactics being used. These questionnaires they are talking about, they are like: Do you want to get kicked out of your house by Federal legislation? And, of course, people say no.

If you say: Do you want the gorge protected, 95 percent say yes. And I think the truth is that about 5 percent of the gorge residents are adamant for this and about 5 percent are adamant against it and about 90 percent either have not made up their minds or do not care. I mean, there is less than 10 percent of the people of the gorge that I think have ever really taken part in this process.

Ms. **Cady**. Senator Evans, could I say something?

Senator **Evans**. Yes.

Ms. **Cady**. I had a neighbor call us maybe 2 months ago saying she had just heard a rumor that her house was going to be bought up and she was going to be kicked off of her property. I feel there has been a lot of that going on in the gorge. I find that I have a hard time getting a both-sided view out of local papers when I read them, at least in my county.

I wish it had not happened. But I think there has been a lot of misinformation and a lot of scare tactics out there, and I think that can skew your votes.

Senator **Evans**. I suppose that is a concern of the people who live in the area that they are getting a lot of flatland foreigners on both sides of the issue coming in at them?

Ms. **Cady**. Well, if you have a lot of unemployment and you have a lot of stress in your life already, then anything else is just going to make it worse. It will just make you more concerned and afraid of the future.

Senator **Evans**. OK. Thank you very much.

Let us have the next panel up. And the panel at the front chairs after this one will be Mr. Ted Lilley, Dianne Perry, Stu Bledsoe, Mr. Robert Chamberlain, and Mr. Blake Rowe.

All right, let us please come to order.

Ms. Julie Kierstead from the Oregon Native Plant Society.

Ms. **Kierstead**. I am going to defer to Nancy Russell. She is going to go first.

Senator **Evans**. All right. Nancy Russell, please start.

STATEMENT OF NANCY N. RUSSELL, CHAIRMAN, FRIENDS OF THE COLUMBIA GORGE, PORTLAND, OR

Ms. **Russell**. Mr. Chairman and members of the subcommittee, my name is Nancy Russell.

I was approached on August 1, 1979, by John Yeon who is author of a visionary 1937 report that you heard referred to by the Governor of Oregon in his remarks, and he encouraged me to become involved in the gorge issue. I have become extremely involved since that time.

I am chairman of Friends of the Columbia Gorge, and one of its four founders. I am an active member of the Portland Garden Club, and of the Garden Club of America. I have been asked by the board of the Portland Garden Club to represent that organization here today, as well as Friends of the Columbia Gorge.

We are very thankful for the hard work of the Senators from Oregon and Washington that has brought the Columbia Gorge issue to the forefront of the national agenda by introduction of S. 2055. We know you have interested yourselves personally and through your staffs to realize, and I quote, "our mutual goal—satisfactory and fair legislation to protect the Columbia River Gorge."

We know you want to see legislation enacted and signed by the President in 1986, as does Friends of the Columbia Gorge. Delay is the gorge's worst enemy. We are committed and eager to work with you, Senators, and with your staffs toward that goal. For me personally this has been a very, very long pregnancy and it is time for the birth of the baby.

Our board of directors has set three major priorities regarding refinements to S. 2055. These are:

One, making enforcement mandatory.

Two, upgrading standards for development.

Three, a more substantial role for the U.S. Forest Service.

That gets back to the nine votes instead of eight to override the secretarial veto. Three attorneys, Gail Achterman, Dick Benner, and Borden Beck will discuss these amendments in greater detail. Another important issue is the areas of Bridal Veil and Dodson-Warrendale must be included in the gates of the Columbia Gorge Special Management Area.

I have brought to display aerial photos of the gorge, and smaller accompanying photos that I think show the rural character of these areas which are very close to Portland on the one hand, and other commercial development. I have information on Dodson-Warrendale also on the last page of the submitted testimony.

Bridal Veil is of national park quality. It is very close to Portland, as I said. It is critical to the integrity of the gorge and needs the maximum protection offered by SMA designation. Dodson-Warrendale is in Mount Hood National Forest and presents a unique parkland opportunity.

The Forest Service has been active in acquiring the waterfront lands there, and it should be allowed to proceed. If you put it under the regional commission, it will curtail U.S. Forest Service options. I have enclosed critiques of Bridal Veil and Dodson-Warrendale by John Yeon.

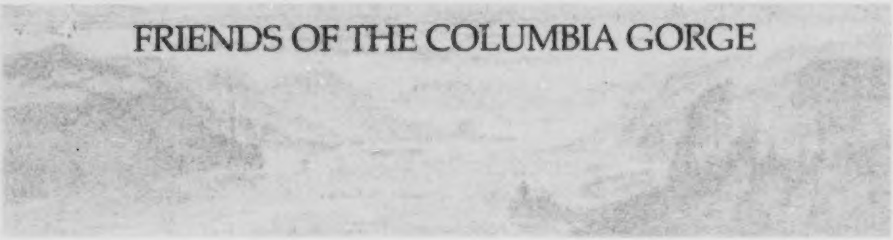
We may hear arguments that acquiring gorge lands within the SMA's will have an adverse effect on tax bases. The truth is that rural development results in a net loss to counties. SMA acreages will be included in the Gifford-Pinchot or Mount Hood National Forest producing a proportionate increase in timber receipts to the counties.

The positive effect of national forest timber receipts was described in February 1980 by Skamania County Commissioner Ed Callahan who said, "That's our lifeblood. Without the national forest there is no Skamania County."

Let us protect the gorge fairly, wisely, and well. It will produce positive economic benefits, and it is also the civilized thing to do.

Thank you very much.

[The prepared statement of Ms. Russell follows:]



FRIENDS OF THE COLUMBIA GORGE

Testimony of Nancy N. Russell
Senate Energy and Natural Resources Committee
Public Lands and Reserved Water Subcommittee
June 17, 1986

My name is Nancy N. Russell. I was approached on August 1, 1979 by John Yeon, author of a visionary 1937 Gorge report, to become involved in the Gorge issue, because he knew of my strong interest. I am Chairman of Friends of the Columbia Gorge and one of its four citizen founders. I am an active member of the Portland Garden Club and of the Garden Club of America. I have been asked by the Board of the Portland Garden Club to represent that organization here today, as well as Friends of the Columbia Gorge (See attached letter, Portland Garden Club to Multnomah Co. Executive, Don Clark, October 10,1980.)

We are thankful for the hard work of the Senators from Oregon and Washington that has brought the Coumbia Gorge to the forefront of the national agenda by introduction of S. 2055. We know you have interested yourselves personally and through your staffs to realize "our mutual goal - satisfactory and fair legislation to protect the Columbia River Gorge."

We know you want to see legislation enacted and signed by the President in 1986, as does Friends of the Columbia Gorge. We are committed to work with you, Senators, and with your staffs toward that goal. For me, personally, this has been a very long pregnancy, and it is time for the birth of the baby.

Our Board of Directors has set three major priorities regarding refinements to S. 2055. Just quickly, these are:

1. Making enforcement mandatory. Not requiring the Regional Commission to enforce its management plan will cause endless ill will and controversy.

2. Upgrading standards for development. Some standards in S. 2055 are weaker than existing county and Gorge Commission standards.

3. A more substantial role for the U.S Forest Service. It

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is the Forest Service that will represent the national interest and national standards and stand more apart from local politics and its changing priorities. For that reason, there must be a greater number of votes required to override the Secretarial veto of the management plan than is needed initially to approve the management plan - specifically, nine votes instead of eight.

Three attorneys, Gail Achterman, Dick Benner and Borden Beck will discuss these amendments in greater detail.

Also, the areas of Bridal Veil and Dodson-Warrendale must be included in the Gates of the Columbia Gorge Special Management Area.

Bridal Veil is of National Park quality. It has a major Gorge waterfall and stream, access to Interstate 84, and is closer to the metropolitan area than Multnomah Falls - only 19 miles east of the Portland airport and new Interstate 205 Bridge over the Columbia, six miles east of commercial development at Corbett, and three miles west of Multnomah Falls Lodge. There must be no more development at Bridal Veil. Oregon State Parks has been removing abandoned structures here for many years. Bridal Veil is critical to the integrity of the Gorge and needs the maximum protection offered by SMA designation.

Dodson-Warrendale, which is in the Mt. Hood National Forest, presents a unique parkland opportunity because of the available flat land, Scenic Highway and Freeway access, unobstructed views of the highest Gorge peaks, and access to established parks, trails, and the Columbia River waterfront. The Forest Service has plans to continue acquisition of the waterfront lands and must be allowed to proceed. Putting Dodson-Warrendale under the aegis of the Regional Commission will curtail USFS options and jeopardize the existing Federal investment.

Please see the attached critiques of Bridal Veil and Dodson-Warrendale by John Yeon.

You may hear arguments that acquiring Gorge lands within Special Management Areas will have an adverse effect on the county tax bases.

The truth is that rural development results in a net loss to counties. (See FOCG Position Paper, "Economic Benefits of National Scenic Area Designation", Page 4, re: USFS Study.) SMA acreages will be included in the Gifford Pinchot or Mt. Hood National Forests, producing a proportionate increase in timber receipts to the counties.

The positive effect of the National Forest timber receipts was described in February 1980 by Skamania County Commissioner, Ed Callahan: "That's our life blood. Without the National Forest, there is no Skamania County." (See attached Columbian article, "Skamania County Sneers at 'Sagebrush Rebellion'." Also see attached USFS timber receipt figures.)

Let us protect the Gorge fairly, wisely, and well. It will produce positive economic benefits, and it is also the civilized thing to do.

I would be pleased to answer any questions. Thank you.

*

NOTE: I have with me exhibit photographs that demonstrate the present rural character of Bridal Veil and Dodson-Warrendale.

ATTACHMENTS

(Listed in order of attachment)

John Yeon Critique, Bridal Veil

John Yeon Critique, Dodson-Warrendale

Vancouver Columbian article, "Skamania County Sneers at 'Sagebrush Rebellion'."

Portland Garden Club letter to Multnomah County, Oregon, Executive, Don Clark, 1980

U.S. Forest Service Figures, Timber Receipts (25% Fund Payments), Selected Washington Counties

THE STATUS OF BRIDAL VEIL IN COLUMBIA GORGE LEGISLATION: CONSEQUENCES OF ITS EXCLUSION FROM THE SPECIAL MANAGEMENT AREA

Comments by John Yeon

June, 1986

In Samuel Landcaster's 1915 book on the Columbia Highway, the caption under the picture of Bridal Veil Falls states: "This beautiful mountain stream is the only one along this great thoroughfare that has been harnessed. It is used to convey lumber down the mountainside in flumes. The water saws and stacks the finished product with but little help from man."

The lumber mill is still there near the base of the falls, operating on a slow bell. Supplies of accessible timber have been radically reduced through many decades of harvesting. Raw material now arrives by trucks replacing flumes. Machinery is now powered by electricity replacing direct water power. The falls of the once harnessed stream are now protected in their natural condition within Bridal Veil Falls State Park.

The mill town known as Bridal Veil is still there, too, but is almost a ghost town. It straddles the Scenic Highway on steep slopes. A few of the houses are occupied, but most are vacant and in various stages of dilapidation. Some have burned; some have collapsed from decay; some are engulfed by growth. The stricken community can fairly be described as a rural slum. Were they in a city, most of the buildings would have long since been condemned as hazards and removed. There is no local fire or police protection.

At various times and places, the state has acquired and removed similarly defacing structures from the roadsides of the Scenic Highway. These have included restaurant buildings, souvenir shops, garages, autocourts and related advertisements. Their removal resulted in important enhancement of scenic values. This was facilitated after the freeway siphoned the heavy traffic and reduced the commercial value of frontage on the Scenic Highway.

The freeway itself pre-empted development of potential commercial sites along the shore and eliminated pockets of housing erected for workers constructing Bonneville Dam. It was cheaper to acquire land than to build overpass access to it.

Some commercial enterprises in the Gorge, like fish wheels and salmon canneries, vanished automatically when no longer legal or economically viable.

None of these factors will fortuitously solve the Bridal Veil problem. Even if corporate self-interest were to close the mill permanently, the real estate of the mill site would remain. It is not without value. It has direct access to the freeway (the mill probably determined the location of the overpass interchange). Rail access is provided by a spur. There are several acres of comparatively level land. There is abundant fresh water from the stream. The adjacent State Park and waterfall would be an appreciable asset for certain alternative uses of the land.

It is presumptuous to speculate on the pros and cons of alternative uses should the present use end. Future unknowns are too abundant. But future uses are of vital concern to the conservation of the Gorge, so the range of possibilities should be explored, however imprecisely.

The present lumber mill was located here about 75 years ago because of a coincidence of timber supply, flume transport, water power and rail access. There was no motor access. The Columbia Highway arrived soon; the freeway more recently.

Most of these location motivations would not be relevant for alternative uses. The most important current advantage for industrial use is both freeway and railroad access. But there is easy motor and rail access to many industrial locations in the region which are closer to cities and existing labor markets and with less rigorous winter climates. Perhaps the only unique industrial advantage of this site is its exceptional visibility should on-site advertising be desired. A big captive audience of air, rail and highway travelers would be exposed to structures and signs existing in emphatic contrast to a dramatic landscape preserved in large measure by state and federal parklands.

As a resort location, there are both flaws and merits. Freeway access would be an important plus. Visibility from the freeway might be a plus, but the prominence of the freeway from a resort would be a minus. While the general area is scenic, the specific terrain of the mill site is below the grade of the freeway and so views of the river and Gorge are restricted at ground level. From upper floors, views would have both the freeway and the railroad as conspicuous features of the foreground. The noise of train and motor traffic would blanket the area.

It might be possible to develop safe pedestrian access to the river where, in the fall, a large sand bar is exposed. But in that season, good weather is apt to occur only when the east wind blows and whips up sandstorms. The nearby waterfall would be the most durable all-year attraction.

The Bridal Veil real estate is not propitious for housing developments. The steep topography of the company housing site was utilized because it was the only land available within walking distance of the mill. This site is not only steep, it had northern exposure and no protection from winter winds.

Housing on the flat mill site is technically easy but without assets of trees or views. It would resemble level urban housing but lack urban conveniences or amenities; a long commute for jobs or entertainment.

In the past, there have been rumors that an amusement park would replace the lumber mill. Freeway access and exposure would be important assets for such a proposal; patronage could be lured from the freeway by the lights, the structures, and the movements of the thrill providers. No civilized society would condone it.

There may be various unobtrusive public uses for the site--singly or in combinations: fish hatchery, State Police station, winter highway maintenance facilities, etc. But the most desirable public use would result from incorporation with Bridal Veil Falls State Park.

This expansion of the park would permit easy access to the falls from the freeway. Now the only access is from the Scenic Highway above it. The trail drops to the level of the freeway before crossing the stream to reach the viewing platform. Parking and picnic areas could be a short distance from the falls. The landscaping possibilities are extensive; a lake, perhaps, or a rerouted portion of the stream; planting which would obscure the freeway, etc. But the major benefit of public ownership would be the prevention of visual vandalism of the famed Gorge landscape in an area where public investment in parks has long been a popular public commitment. Incongruous development at Bridal Veil would be glaringly conspicuous for long distances.

In the view east from Crown Point, the overpass at Bridal Veil is discernible in the middle distance at the base of the formation which includes Angel's Rest. In the foreground is Rooster Rock State Park which extends almost to the overpass. The overpass is a convenient marker for pinpointing the Bridal Veil problem in one of the nation's most famous views.

Bridal Veil is located across the river from the tiered pallisades of Cape Horn. The summit of this formation is potentially the finest vantage point along the highway on the Washington side of the Gorge. It is the north bank counterpart to Crown Point. It presently provides dramatic views eastward through the Gorge from the narrow shoulders of the road. If properly developed, the site would become a major attraction providing additional views to the south and southwest. It would directly overlook the Bridal Veil area from 800 feet above the river.

Incongruous development at Bridal Veil would be the only interruption of verdant or scenic roadsides along the freeway between Troutdale and Cascade Locks. Along the Scenic Highway it would be the major commercial contrast to natural roadsides between Crown Point and Ainsworth State Park east of Multnomah Falls. Both highways and the adjacent State Park, as well as overviews of the Gorge, would be affected by future uses of Bridal Veil.

Any exclusion of Bridal Veil from the Special Management Area in Gorge legislation leaves problems which are unsolvable by Regional Commission action alone through land-use planning and the zoning process. Here industrial and housing usage have long existed and so would be grandfathered exemptions from future planning except with owner acquiescence.

Inclusion in the Special Management Area would not alter the status quo at Bridal Veil until changes of use were proposed. Then public acquisition at a fair market value would be possible and by condemnation if necessary. Otherwise, Bridal Veil is a wild card in any Gorge conservation program. It is a concentrated trouble spot which the Regional Commission would not be equipped to handle.

Unless Bridal Veil is included in the surrounding Special Management Area, it will be an exempted enclave in a very critical area beyond the control of either tier of Gorge management. Such an enclave would prevent the seamless protection of the western Gorge between Crown Point and Cascade Locks on the Oregon side.

John Yeon comments on Dodson-Warrendale area as defined on Joe Mentor's CRG-Nat'l Scenic Area Map

September 3, 1985

Nancy:

This is in response to your request for comments on the Dodson-Warrendale Area in the Columbia Gorge. I will mention two aspects: (1) The potential for public use as parklands. (2) The probable consequences of continued status quo.

(1) I consider this area to be a prime site for a large destination park on the Oregon side. It offers the best opportunity for off-highway viewing of the Gorge cliffs where they reach their greatest height close to the river (4,000 ft. Nesmith Point) and include the distinctive formations of St. Peters Dome and Katani Rock.

At present, the impressive escarpments on the Oregon side can only be seen in Oregon from the I-84 Freeway. This occasionally provides sufficient foreground clearings to allow views of the cliffs, but the fast flow of traffic makes viewing fleeting and hazardous.

Access to this area already exists for both east and westbound travel.

The gradient of much of this terrain is gradual enough to accommodate a variety of park developments. Extensive parking areas could be provided in units partially concealed by greenbelts of trees.

Open meadows such as at the Bucher farm could be formed to reveal the cliffs. They should be extensive (as in Yosemite Valley). They would require maintenance different from natural area protection. Otherwise, clearings would soon be invaded by surrounding forests and disappear.

Mowing a few times a year is probably the best solution compatible with public use. Leasing for pasture or hay production would accomplish scenic objectives, but would require extensive fencing to prevent public disruptions of agricultural uses.

This area seems eminently suitable for accommodating large numbers of people on the Oregon side; pre-eminent, in fact. Along with this potential go the problems of tourist concentrations as in National Parks. Parking, picnic and camping areas, hiking trails. Shoreline access and facilities would be basic objectives of a development plan. This may be the best location for a Gorge orientation center. But as in National Parks, the tricky issue of concessions would probably arise. The exceptional attractions of the environs might justify hotel or motel accommodations, a restaurant, and alas, souvenir shops. Under strict standards of design and operation, such accommodations could provide a valid public service as well as income towards maintenance of the area.

Public accommodations at Multnomah Falls will always be inadequate because of space cramped by cliffs, highways, railroad and riverbank. On good weather weekends, the area is bedlam. One approaches the falls through the many munching customers of the fast food concession. The old highway is glutted with traffic and parked cars. A contemplated overpass connection to the freeway here would only increase the parking and congestion problem and seriously add to the visual confusion. Spacious public facilities at Dodson-Warrendale would relieve the pressure while utilizing existing traffic connections. The area is less than four miles from Multnomah Falls. Tourists could eat their heart out there. And the elegant falls would be less of a pit stop.

Although the eventual full public development of the Dodson-Warrendale area would be a long range goal, a skillful plan for it would be an early necessity for guiding interim improvements. It would be long range because of the slowness of any acquisition policy lacking condemnation authority or from reluctance to use it if available; change of use or death of owners sets the pace. Nothing less than eventual total control of this enclave would permit the establishment of an adequate and successful destination park. Otherwise serious conflicts of use and appearance would be inevitable.

(2) The future of the Dodson-Warrendale area as a private enclave surrounded by public parklands is easy to predict. It will become a fully developed suburban subdivision. It will not remain sparsely occupied. Where it was previously platted, county zoning cannot be applied. No zoning can legitimately prescribe no private use of private land nor provide public access over it. The present rural or forest character of most of the enclave will change; it will become a mini-city in the conspicuous midst of exceptional natural scenery already in public ownership. Consolidation of the parkland will become progressively more difficult and expensive - eventually impossible.

As the amount of public parklands increase in the Gorge, the remaining pockets of private land are likely to be more intensively developed because competitive building sites elsewhere are reduced in number while attractive surroundings are secured. Hot-house conditions for forcing incompatible growth are the ironic results of conservation efforts intended to forestall it.

The most urgent need is for public acquisition of the still undeveloped land within this enclave. This would freeze development at its present extent and prevent proliferation of houses and the eventual establishment of community services such as more roads, sewage system, fire and police protection, churches, stores, etc. A school already exists.

With the acquisition of presently undeveloped land, park improvements could begin in conformity with the overall place without awaiting the acquisition of existing houses. Present owners need not be disturbed. When public acquisition of these does occur (from proposed change of use or ownership), some of the houses might be suitable for park offices or staff housing. Even the school might be adapted to park usage (maybe interim - maintenance equipment; garage; small theatre for natural history museum; indoor sports; meeting rooms.) The conversion of former docks in the Golden Gate N.R.A. is an example of useful adaptations of unlikely structures. The Dodson school has no architectural merit and the costs of adaption should be judged by economies alone and not influenced by nostalgic preservation sentiments.

Stimulation of development in private enclaves surrounded by public parklands will occur elsewhere in the Gorge if such pockets remain in the enacted federal protection plan. However, in the Dodson-Warrendale enclave, the condition is not speculative; it already exists. If priorities could be determined for the damage potentials of this situation, the Dodson-Warrendale enclave would probably rank the highest. Its immediate surroundings are exceptionally scenic. The enveloping heights look down upon it. It is across the river from Beacon Rock Park. It is conspicuous for long distances within the Gorge. Except for Cascade Locks (which is irreversible) and Latourell and Bridal Veil (which are small in comparison) the Dodson-Warrendale area, without a change of status, will become the largest and most tragic blight on the landscape of the Gorge on the Oregon side between Crown Point and Hood River.

See attached material from: The Columbia River Gorge: Its Geologic History by Ira A. Williams..

John Yeon
September 3, 1985

THE COLUMBIA RIVER GORGE: ITS GEOLOGIC HISTORY

by Ira A. Williams

Revised Reprint of the *Mineral Resources of Oregon*

published by

The Oregon Bureau of Mines and Geology

May, 1923

SOUTH WALL OF COLUMBIA RIVER CANYON WEST OF WARRENDALE. From Horsetail Falls for four miles to Warrendale the bluffs have so withdrawn from the river that, for the first time, they really rise to their full stature within our range of vision, and we gaze to a clear-cut horizon 3,500 and more feet vertically above the Columbia River Highway. In no other portion of the gorge have the great crumbling cliffs been more spectacularly carved than here. Protruding ridges have been whittled to jagged points or serrate edge, isolated turreted pinnacles stand out, castellated towers, terraced battlements.

ST. PETERS DOME AND COLUMBIA RIVER. St. Peters dome and Katani Rock stand sufficiently apart to appear now as far-seeing guardians for the great rock wall behind. But whatever of threat there may seem to be in their vigilant attitude is speedily dispelled on close approach; for both are seen to be but trembling fragments of these same parent cliffs, beyond whose protecting influence they are now unfortunately themselves separated. Each is made of a set of layers of Columbia river basalt, at first sight, as though the great cakes were carefully placed in horizontal position, each upon the one below. It is appreciated however that the method of construction was far more widespread, when we observe the continuation of each of these lava layers in the nearby canyon wall; and come thus to understand, that, instead of permanence, such forms as these are significant of an advanced state of deterioration. Soon, as geologic time flies, they will be no more. Today we see scattered upon their flanks and shelved upon each corniced ledge the sliding talus that is each season being added to from scaling wall higher up. Both Katani rock and St. Peters dome rise 2,000 feet above the Columbia.

Page 63.

Thursday, Feb. 7, 1980
Vancouver, Wash.
The COLUMBIAN 17

legislature NEWS FROM THE CAPITOL

Skamania County sneers at 'sagebrush rebellion'

By DAVID KERN
Columbian Staff Writer

OLYMPIA — Maybe it's time to ambush the "sagebrush rebellion" bill, says Skamania County Commissioner Ed Callahan.

Officials in the county where timber is valued like gold are slinging arrows at Sen. Al Henry's bill because they think it calls for turning back to the state more than 1 million acres of national forest land in their county.

They said they don't want that. Uncle Sam has made Skamania County something of a rich dowager, giving the Columbia River border county about $8 million in receipts each year.

Henry, D-White Salmon, who represents Skamania County, said his proposal calls for the federal government to return all unappropriated lands to the state. He said voters would decide whether Washington joins other states in the so-called "sagebrush rebellion."

"It does not include national forests," Henry said. "To me the national forests are appropriated. In the final analysis, it will be outlined so there is no mistake about it."

"My interpretation is it does not include national forests," said Callahan. "He is our senator and we have a lot of confidence in him. But there's a very good possibility that someone misled him.

"That's our lifeblood," said Callahan. "Without the national forest lands, there is no Skamania County."

Callahan may have reason to worry. Even the lawyer who helped Henry draft the bill, Glenn Toomey, of the Senate Transportation Committee, said the bill requests the federal government to give back national forest service lands.

Callahan said he would much rather have the federal government govern the land than take a chance that the state might not be so generous.

This morning, after hearing that Toomey agreed with Callahan, Henry said he would offer an amendment to his bill to ensure that it does not call for reclaiming national forest lands.

"I wonder how much thought's gone behind this — from the national forest standpoint?" asked Skamania County Prosecutor Bob Leick. He sides with the lobbyists for the Association of Washington Counties who said Henry's bill is worded to include national forests.

"Henry's bill does not speak to the term 'reserve land' which is what the national forests are called," said Jim Williams, a lobbyist for the association that represents counties.

He said that because the bill does not specifically rule out reserve lands, it could be interpreted that they are included.

Williams said the national forests were created before the turn of the century in Washington. They were transferred from public domain lands to reserve lands, he said.

Henry's bill is a slap at the federal government and is aimed at lands managed by the federal Bureau of Land Management. The BLM manages less than 1 percent of the land in the Evergreen State. Estimates are that the BLM manages somewhere between 259,000 and 400,000 acres which are almost all in the Spokane region and virtually none in Western Washington.

National forests make up about 21 percent of the state.

"Our attorney says he thinks it (Henry's bill) includes the U.S. Forest Service lands," said Brian Edie, research analyst for the Senate Natural Resources Committee. "But what are the odds that the federal government is going to give back those lands."

Lobbyist Williams said Henry's bill could be amended in the House to specifically say Forest Service lands would not be included.

Callahan said he could support the bill if such an amendment were added but until that happens Henry is barking up the wrong tree.

THE PORTLAND GARDEN CLUB
Member of the Garden Club of America
1132 S.W. VISTA AVENUE
PORTLAND, OREGON 97205

October 10, 1980

Mr. Don Clark, County Executive
Multnomah County
1021 S. W. Fourth Ave.
Portland, Oregon 97204

Dear Mr. Clark:

It has come to our attention that the Multnomah County Commission is going to consider the question of future development of the Columbia River Gorge.

We of the Portland Garden Club have an intense concern for this exceptional area so near our great metropolitan center. What goes on across the river is intimately connected with the integrity of our own parks. Therefore, it is the business of Multnomah County to be interested in the whole Gorge, the Washington side as well as the Oregon side.

We urge you to hold public hearings. Such hearings would alert citizens to the pressures of inappropriate development in the Gorge.

The Portland Garden Club wishes to go on record in support of the involvement of Multnomah County in this important issue.

Yours truly,

Mrs. Donald G. Drake

Mrs. Donald G. Drake
President, The Portland Garden Club

MHD:nr

cc: Dennis Buchanan
Chairman, Multnomah County Board of Commissioners

Lorna Stickle
Senior Planner, Multnomah County

Governor Victor Atiyeh

25% FUND PAYMENTS

SELECTED WASHINGTON COUNTIES

October 1, 1984 to September 30, 1985

UNITED STATES FOREST SERVICE, REGION SIX

Figures provided by Mr. Todd Hess

Skamania County	$ 5,107,038.37
Lewis County	2,488,653.71
King County	826,239.33
Skagit County	821,666.10
Klickitat County	56,486.05

BRIDAL VEIL STATISTICS

8	Owners
23	Parcels
31	Dwellings
65	Population Estimate

Land Uses: Residences, lumber mill, post office, convent, restaurant, 1 or 2 other small-scale commercial uses.

DODSON STATISTICS

25	Owners
36+	Parcels
26	Dwellings
55-60	Population Estimate

Land Uses: Residences, vacant commercial buildings, school, commercial boat moorage . Approximately 50 percent developed to allowable zoning.

WARRENDALE STATISTICS

54	Owners
96	Parcels
35	Dwellings
110	Population Estimate

Land Uses: Residential, recreation/camping spots, commercial boat moorage

(Statistics exclusive of Ellahurst Subdivision south of RC area, not developable except for recreation uses.)

6/11/86

Senator **Evans**. Thank you. Now would you like to go back to Julie Kierstead next?

STATEMENT OF JULIE REINWAND KIERSTEAD, DIRECTOR, BERRY BOTANIC GARDEN SEED BANK FOR RARE AND ENDANGERED PLANTS OF THE PACIFIC NORTHWEST, PORTLAND, OR

Ms. **Kierstead**. Thank you.

I am Julie Kierstead, director of the Berry Botanic Garden Seed Bank for Rare and Endangered Plants of the Pacific Northwest in Portland. I am a botanist. I am happy to be here today to talk about the wild plants of the Columbia River Gorge and, more particularly, about those plants which grow in the gorge and nowhere else.

A remarkable thing about this endemic flora of the gorge is that it is still plentiful, with few exceptions, and still lends its distinctive character to the whole gorge landscape. For instance, any late spring visitor to the Rowena Plateau at the east end of the gorge can hardly fail to be impressed by acres of blue-flowered Thompson's lupine, a plant found only in the Columbia Gorge. This wonderful resource could easily be lost by the depressingly familiar process being played out across the United States whereby slow but relentless development first erodes native plant populations, then fragments them and finally descimates them.

A crisis is reached. The plants become eligible for endangered species listing. Several of the gorge's unique plants are already in trouble. All but one of the historic locations of northern wormwood—and you are lucky that I am not going to give you the scientific name, because it is a backbreaker—a plant of the rivershore, were permanently flooded by the damming of the river.

Barrett's penstemon, a spectacular pink-flowered snapdragon, is now the object of a rescue effort by the Berry Botanic Garden because the penstemon lies in the path of the planned navigation lock being built at Bonneville, and will be destroyed when the rock cliff it grows on is blasted away this year.

The crisis I have described can be averted by legislative protection for the gorge and its tributaries, if the legislation explicitly extends protection to the native plants and their habitats. Specific amendments for this purpose will be presented later in this hearing by Jean Siddall who is representing the Native Plant Society of Oregon, and the Washington Native Plant Society.

Special management areas have a special role to play in protecting this resource. Special management areas under Federal control can prevent erosion of biological diversity, can obviate the need for Endangered Species Act protection of gorge endemics, and most of all can keep the wildflowers of the Columbia Gorge alive for everyone to enjoy.

I ask, please, that the natural distributions of the Columbia Gorge endemics be taken into account when drawing the final special management area boundaries. Thank you very much.

[The prepared statement of Ms. Kierstead follows:]

THE BERRY BOTANIC GARDEN

Testimony regarding Senate Bill 2055

submitted to

United States Senate

Committee on Energy and Natural Resources

Subcommittee on Public Lands and Reserved Water

by

Julie Reinwand Kierstead

Director

Berry Botanic Garden Seed Bank

for Rare and Endangered Plants

of the Pacific Northwest

June 17, 1986

11505 S.W. Summerville Avenue • Portland, Oregon 97219 • (503) 636-4112

A remarkable thing about the endemic flora of the Columbia River Gorge is that it is still intact. It is revealing to compare the status of these unique Gorge inhabitants with the present state of the neighboring Willamette Valley flora.

The Willamette Valley of western Oregon is roughly the same size as the Columbia Gorge and has its own group of endemic wildflowers: seven plant species are known to grow only in the Willamette Valley. Six of these seven are drastically depleted. One of these, Bradshaw's lomatium (*Lomatium bradshawii*), is on the verge of being formally proposed for listing as an Endangered species by the U.S. Fish and Wildlife Service. Nelson's checker-mallow (*Sidalcea nelsoniana*) may soon follow--a citizen's group has requested an emergency listing to protect the plant.

How has this dismal scenario come to be? It is clear that development is the cause. The Willamette Valley has been plowed and paved, bit by bit, until the native flora survives in hedgerows and small fragmented refuges. Someone who wants to see one of these fugitives must find an expert guide and plan a pilgrimage.

In happy contrast any late spring visitor to the Rowena Plateau at the east end of the Columbia River Gorge will see acres of Thompson's lupine (*Lupinus latifolius* var. *thompsonianus*), a beautiful perennial plant which grows only in the Gorge. Almost every waterfall in the Gorge is home to several endemics. The sixteen plants unique to the Gorge are a conspicuous part of the landscape because most of them are still abundant within their restricted ranges.

There are exceptions: northern wormwood (*Artemisia campestris* ssp. *borealis* var. *wormskioldii*), a plant of the river shore, has been permanently submerged at most of its historic locations by dams on the river; only one small population is known to still exist. The obscure buttercup (*Ranunculus reconditus*) has been severely affected by grazing of its high open hilltop habitat. Barrett's penstemon (*Penstemon barrettiae*), a spectacularly attractive flowering shrublet restricted to a short stretch of cliffs on both sides of the east end of the Gorge, with small outlying populations in the Klickitat River canyon and near Bonneville Dam, is vulnerable to herbicides and road construction because of its perch on the cliffs above railroad tracks and highways.

Several plants which are secure on the Oregon side of the Gorge are much scarcer on the Washington side. The Willamette Valley story of development and depletion could easily happen in the Columbia Gorge. The process is depressingly predictable: one by one the endemic species are eroded by residential development, road building, herbicides, small hydro projects, and weed competition. A crisis is reached and the dwindling species finally need Federal protection under the Endangered Species Act.

This eventual crisis can be avoided if protection is legislated for the Columbia River Gorge and its tributaries. I urge you to add specific and explicit language to Senate Bill 2055 conserving native plants and their habitats. I support the Washington Native Plant Society and the Native Plant Society of Oregon in their recommendations for amendments providing protection for native plants.

Special Management Areas under Federal control, within the Columbia Gorge National Scenic Area, can prevent erosion of the biological diversity that is a prominent feature of the Gorge, can obviate the eventual need for Endangered Species Act protection of Gorge endemics, and most of all can keep the well-loved, internationally famous wildflower displays of the Columbia River Gorge alive for people to enjoy, in a way that small preserves and relict natural areas can never do.

The natural features of the Gorge and its tributaries should be carefully studied before Special Management Area boundaries are drawn. Attached is a table of the unique plants of the Columbia River Gorge and its tributaries, and their distribution among Special Management Areas as these are now drawn (including the proposed Rowena SMA).

The flora of the Columbia Gorge has a large constituency, larger than the Pacific Northwest, larger than the United States. We stand to lose something important. We have the unusual luxury of yet having the choice of saving the Gorge, or not saving it. I hope you will make the right choice.

UNIQUE PLANTS OF THE COLUMBIA RIVER GORGE

Their Distribution Among Special Management Areas

	Gates of the Columbia Gorge	Three Mountains	Catherine Creek (Burdoin Mountain)	Klickitat Canyon	Rowena (proposed)
1) Howell's bentgrass *Agrostis howellii*	X	-	-	-	-
2) Piper's arnica *Arnica amplexicaulis* var. *piperi*	X	-	-	-	-
3) Northern wormwood *Artemisia campestris* ssp. *borealis* var. *wormskioldii*	-	-	-	-	-
4) Hood River milk-vetch *Astragalus hoodianus*	-	-	-	-	X
5) Howell's reedgrass *Calamagrostis howellii*	X	X	-	-	-
6) Howell's daisy *Erigeron howellii*	X	-	-	-	-
7) Oregon daisy *Erigeron oreganus*	X	-	-	-	-
8) Long-bearded hawkweed *Hieracium longiberbe*	X	X	-	-	-
9) Smooth desert-parsley *Lomatium laevigatum*	-	-	-	-	-
10) Suksdorf's desert-parsley *Lomatium suksdorfii*	-	-	X	X	-
11) Thompson's lupine *Lupinus latifolius* var. *thompsoniae*	-	-	X	-	X
12) Barrett's penstemon *Penstemon barrettiae*	-	-	X	X	-
13) Columbia bluegrass *Poa gracillima* var. *multnomae*	X	-	-	-	-

UNIQUE PLANTS OF THE COLUMBIA GORGE
Page Two

	Gates of the Columbia Gorge	Three Mountains	Catherine Creek (Burdoin Mountain)	Klickitat Canyon	Rowena (proposed)
14) Obscure buttercup *Ranunculus reconditus*	-	-	-	-	-
15) Oregon Sullivantia *Sullivantia oregana*	X	-	-	-	-
16) Starry kittentails *Synthyris stellata*	X	X	-	-	-

PLANT SPECIES REACHING THE LIMITS OF THEIR NATURAL RANGES IN THE COLUMBIA RIVER GORGE

The Columbia River Gorge is a formidable north-south barrier to plant migration, and some species come to a halt there. Conversely, the Gorge is a major east-west migration route through the Cascade Mountains, and several species extend farther west or east in the Gorge than anywhere else. The unusual richness of the Columbia Gorge flora attests to these influences. Some examples are listed.

SPECIES REACHING THE NORTH END OF THEIR RANGES

Cardamine integrifolia
Collinsia sparsiflora var. *bruciae*
Delphinium trolliifolium
Draba douglasii var. *douglasii*
Linanthus bakeri
Machaerocarpus californicus
Navarretia tagetina
Scribneria bolanderi
Veratrum insolitum

SPECIES REACHING THE SOUTH END OF THEIR RANGES

Astragalus sclerocarpus
Astragalus succumbens
Lewisia columbiana var. *columbiana*
Lesquerella douglasii
Saxifraga bronchialis var. *vespertina*
Saxifraga caespitosa var. *emarginata*
Saxifraga caespitosa var. *subgemmifera*
Suksdorfia violacea

WEST END OF RANGE

Ammania coccinea
Alnus rhombifolia
Carex retrorsa
Dicentra cucullaria
Heuchera grossulariifolia var. *tenuifolia*
Penstemon deustus var. *variabilis*
Poa leibergii
Sagittaria cuneata

EAST END OF RANGE

Lilaeopsis occidentalis
Poa howellii
Vicia gigantea

Senator EVANS. Thank you.
Next is Ms. Gail Achterman.

STATEMENT OF GAIL L. ACHTERMAN, ON BEHALF OF FRIENDS OF THE COLUMBIA GORGE, PORTLAND, OR

Ms. ACHTERMAN. Thank you, Senator Evans, and thank you for inviting us all to the hearing here today.

I am appearing on behalf of Friends of the Columbia Gorge. I think that really no one questions the need to protect the resource values that we find in the gorge today, and the debate really turns on how that can be achieved.

I support the two-tiered management approach that is embodied in Senate bill 2055. My testimony today is really going to focus on three things:

First, the standards that are contained in the legislation;

Second, the need for interim protection; and

Third, the enforcement provisions.

I think that the critical area in the legislation is to make sure that strong standards are provided in the act, and standards to be effective need to be clear and readily understood. I think there has been considerable debate to date over the use of two phrases, one of which is used in Senate bill 2055, and one of which is used in H.R. 4221. One bill uses the phrase "without substantially impairing" and the other uses the phrase "will not adversely impair or detract." I think that has been the subject of some discussion as to which of those phrases best provides protection for the gorge.

I would like to suggest today that neither one of those phrases would do as good a job as using phrases that have been used in other statutes and have been interpreted judicially. I think that we have language in the National Environmental Policy Act and in the Washington State Environmental Policy Act that are admirably suited to the job, and would like to suggest that instead of the current statutory language, we use the phrases "no adverse impact" and "no significant adverse impact" as appropriate in different circumstances in the bill.

So that the bill would specify that certain uses could not be made of land within the gorge unless the proponents of the particular project demonstrated that the proposed use would not adversely impact the resource values that the legislation is designed to protect.

If we find effective language to use as standards, and we then use those statutory terms consistently, I think we can achieve the goal of protecting the gorge. I have included in my written testimony some examples that I think are appropriate of how these phrases could be used and applied to some of the most critical land uses now being proposed in the Gorge.

On the subject of interm protection, I think that the critical issue is that we need to shorten the timeframe for adopting the interim guidelines. I recommend that we use a 6-month timeframe for all of the interim guidelines to be produced by the commission. I think this will provide everyone with needed certainty.

The final point that I would like to make relates to the enforcement provisions that have received quite a bit of attention already.

I believe that the language in section 15(a) of 2055 should be amended to mandate, to use the word "shall" when referring to the role of the commission in assuring that the counties in fact ensure compliance with the unified management plan for the gorge.

I think that the direction, the legislative direction to the commission needs to be clear that it is their responsibility to enforce the act. They would still have the discretion to determine whether or not in their judgment a particular county was or was not in compliance, so they would retain some discretion. But if you leave the language as it is in 2055 now and make it wholly discretionary enforcement, I am afraid that what is going to happen is that you are going to shift the enforcement burden to private organizations, and because no citizens suit could be brought on discretionary actions against the commission in this instance, separate citizen suits would have to be brought against the respective county. I do not think that any of us want to generate more litigation in the gorge, and if we get a clear direction from Congress on this we could avoid it.

Thank you.

[The prepared statement of Ms. Achterman follows:]

Testimony of Gail L. Achterman*
Before the
Public Lands and Reserved Water Subcommittee
of the
Senate Energy and Natural Resources Committee
June 17, 1986

No one questions the need to protect the Columbia Gorge. The debate turns on how protection can be achieved best. I support the two-tiered approach to Scenic Area designation and management embodied in S. 2055 and H.R. 4221 (even though I wrote the initial draft of what is now H.R. 4114). My testimony focuses on three aspects of the legislation that need improvement if the Gorge is to be protected: (1) Standards; (2) Interim Protection; and (3) Enforcement.

1. Standards. If the cooperative management program envisioned by the two-tiered approach is going to work, the standard for determining what types of development should be permitted must be clear to everyone. Unfortunately use of the phrases "without substantially impairing" or "will not adversely impair or detract" does not provide the needed clarity. These are the critical standards provisions now contained in S. 2055 and H.R. 4221.

Rather than debating their comparative merits, it would be preferable to use terms that have been used in other laws and have been interpreted judicially. I recommend that two

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*Partner, Stoel, Rives, Boley, Fraser & Wyse
Portland, Oregon

be used: (1) "no adverse impact"; and (2) "no significant adverse impact." These words are widely used and understood because of their use in the National Environmental Policy Act and Washington's State Environmental Policy Act (an Act adopted when Sen. Evans was Governor of Washington). The statute should specify that certain uses could not be made of land within the Gorge unless the proponent demonstrated that the proposed use would not adversely impact the resource values the legislation is designed to protect.

Once effective language is chosen for the general standards it is critical to use the terms consistently and apply them to achieve the goal of protecting the Gorge. Neither S. 2055 nor H.R. 4221 yet does this. In fact S. 2055, in many instances, does not provide as much protection for the Gorge as the standards already adopted by the Oregon and Washington Columbia River Gorge Commissions and counties like Hood River and Klickitat.

In order to protect the Gorge, the federal legislation should provide the following basic framework:

A. Residential Development.
  1. No adverse impact in Special Management Areas (SMAs).
  2. No significant adverse impact outside SMAs.

B. Industrial and Commercial Development.
  1. No such development within SMAs.
  2. No adverse impact outside SMAs.

C. Surface Mining.

1. No such use within SMAs.

2. No adverse impact outside SMAs.

D. Hydroelectric Development.

1. No such development within SMAs.

2. No adverse impact outside SMAs.

Application of these standards to the high impact land uses described above would provide the Gorge with the protection it needs and deserves. Obviously, further elaboration of this framework is appropriate, such as by limiting industrial, commercial and high-density residential development to existing urban areas. The key, however, is to set clear, widely understood standards.

2. Interim Protection.

The threats to the Gorge are immediate and well understood. The Gorge needs to be protected during the period when the management plan is being prepared. Waiting a full year to develop interim guidelines for the Scenic Area is too long. Everyone would be better off knowing the rules of the game earlier. Given our existing knowledge of the resources involved, interim guidelines should be develped for both the SMAs and the Scenic Area within 6 months of enactment.

In addition, all development proposals within the Scenic Area (outside the SMAs) should be subject to Commission review. Limiting review to residential development or major development actions leaves too much room for hasty development activities. Ideally a development moratorium would be enforced in the SMAs, as provided in H.R. 4221.

Finally, the standards to be applied by the Commission in reviewing development proposals need to be clarified. The phrases "no adverse impact" and "no significant adverse impact" should be used again here. No adverse impacts should be allowed within the SMAs, and no significant adverse impacts should be permitted in the Scenic Area.

3. Enforcement. There seems to be considerable confusion about Section 15(a) of the various bills. S. 2055 permits the Commission to take action necessary to ensure the counties comply with the Act. H.R. 4221 and H.R. 4161, as introduced, require the Commission to take action necessary to ensure compliance by the counties. The direction to the Commission should be clear--it is their responsibility to enforce the Act. Discretionary enforcement authority will simply shift the enforcement burden to private organizations bringing citizen suits. This leads to totally unnecessary adversarial relationships, hardly what the Gorge needs to make unified management work.

Thank you for the opportunity to address you. We all hope that Congress acts this year to protect the Gorge.

Senator EVANS. Thank you.

Next, Mr. Borden Beck.

STATEMENT OF BORDEN F. BECK, JR., PORTLAND, OR

Mr. BECK. My name is Borden Beck. I am a lawyer in Portland. I am interested as a citizen in the strong protection of the Columbia Gorge. I have three points to make about S. 2055.

First, agreeing with Senator Packwood I recommend that nine votes be required to override the Secretary's recommendations for modifications in the management plan. That is, one more vote than needed to adopt the plan initially. I also recommend that the vote should include at least four from each State. This last point should correct an apparent oversight in the present bill.

In this bill, the Secretary's review is a primary opportunity for the national interest to be represented in the adoption of the management plan. But if the Secretary's recommendations can be overriden by the same number of votes it took to adopt the plan, then the Secretary's review and the Secretary's representation of the national interest is almost meaningless.

My second point is that the commission is required in section 6 to adopt a management plan within 2 years of the date of enactment. No provision is made, however, to deal with a situation where the commission fails to adopt the plan within the 2-year time limit. This oversight should be corrected by providing that if the commission fails to adopt a management plan within the 2-year period, then the Secretary shall prepare and adopt a management plan to remain in effect until such time as the commission does adopt a management plan in the manner provided in the act.

A similar backstop provision should be made with respect to the adoption by the commission of interim guidelines within the time within which it is given to do so.

In closing, I wish to express a personal opinion that this bill has a number of provisions which are unclear, ambiguous, and deficient in ways which will promote uncertainty and controversy in the interpretation and application of the act, and almost certainly will result in litigation which will greatly delay the achievement of the purposes of the act.

Thus, for example in section 5 provisions initiating a Federal-Interstate compact and raising serious constitutional questions under the appointments clause are adopted almost intact from the Pacific Northwest Electric Power Planning and Conservation Act. That language has been the subject of extensive litigation for several years, and the parties expect that litigation to continue for several more years.

If passed as presently drafted, I believe S. 2055 could be tied up by similar litigation and by State legislative delays for several years. These matters of constitutionality and interstate compacts deserve much more attention than they seem to have been given, and I believe changes in the language and perhaps concept are needed if adequate protection of the Columbia Gorge is to be achieved without unnecessary delay.

Thank you.

[The prepared statement of Mr. Beck follows:]

Statement of Borden F. Beck, Jr.

U.S. Senate Committee of Energy and Natural Resources

S2055

COLUMBIA GORGE SCENIC AREA

My name is Borden F. Beck, Jr. I live at 1430 S.W. Englewood Drive, Lake Oswego, Oregon.

Some of the activities with which I am or have been involved are as follows:

(a) partner of the law firm Rappleyea, Beck, Helterline, Spencer & Roskie in Portland, Oregon;

(b) member of many conservation and environmental organizations;

(c) former chairman of the Corporation Law Committee of the Oregon State Bar;

(d) former President of the Oregon Estate Planning Council;

(e) member of the Portland Chamber of Commerce;

(f) former member of the Port of Portland Commission (appointed by Governor McCall);

(g) former Vice Chairman of the Governor's Willamette River Greenway Committee (appointed by Governor Straub);

(h) former Trustee of Oregon Museum of Science & Industry; and

(i) former Trustee of Portland Zoological Society.

I was one of a two-person team appointed in 1981 by Governor Atiyeh to study the problems and proposals relating to protection of the Columbia Gorge. After receiving our report, Governor Atiyeh sent to members of the Oregon Congressional delegation his letter of May 28, 1981, a copy of which is attached hereto.

I participated in the drafting of some of the provisions of the Columbia Gorge protection legislation introduced by Senator Packwood in previous sessions of Congress.

I have long been interested in protection of the scenic and natural values of the Columbia Gorge. While I believe those values would be better protected under the bill (S627) introduced by Senator Packwood in the last session of Congress, I realize that we are here only to consider the bill presently before this body (i.e., S2055).

I shall address myself here primarily to two aspects of S2055, the first of these being the voting procedures in Section 6 relating to the Management Plan and the second being a technical drafting oversight.

I. SECTION 6(a) SHOULD BE CHANGED TO PROVIDE THAT NINE VOTES ARE REQUIRED TO OVERRIDE SECRETARY'S RECOMMENDATIONS, INCLUDING AT LEAST FOUR VOTES FROM EACH STATE.

Section 6(a) requires a majority vote of the members of each State to adopt the Management Plan initially

-- that is, at least eight votes consisting of at least four from each State.

After review by the Secretary of Agriculture, if the Secretary disapproves the Plan, then under Section 6(d)(3), the Secretary's suggested modifications can be overridden by two-thirds of the Commission's membership which is a total of eight votes, the same number that it took to adopt the Plan. Further, there is not even a requirement that the eight votes to override must include a majority from each State. In other words, the Secretary's recommendations may be overridden with only two votes of one State's six members even though it took four votes from each State to adopt the Plan in the first place.

I suggest this voting procedure for override of the Secretary's recommendations makes a mockery of the Secretary's review and does not serve the national interest.

Accordingly, I recommend that Section 6(d)(3) be changed in two ways. First, it should provide that nine votes are needed to override the Secretary's recommendations--that is one more vote than needed to adopt the Plan initially.

Second, it should provide that the nine override votes must include at least four from each State (i.e., the same as required for the initial adoption of the Plan) with the extra vote coming from either State.

The second of these changes would provide consistency in the protection of the interests of each State while an effective consensus is being achieved between the two States.

The first of these changes would give recognition of the national interest involved in the protection of the whole area of the Columbia Gorge Scenic Area.

It is widely recognized that the Columbia Gorge is a national treasure and that it is not the property of Wasco County or Skamania County alone or of Oregon or of Washington alone. The Columbia Gorge also belongs to the Nation and the Nation has a great interest in its preservation. Yet in the initial adoption of the Management Plan, a key element to the protection of most of the Columbia Gorge Scenic Area, the national interest has no voting participation. The Secretary's review will, of course, permit the national interest to be represented, but if the Secretary's recommendations can be overridden by the same number of votes that it took to adopt the Plan, then the Secretary's review and the Secretary's representation of the national interest is almost meaningless.

Requiring nine votes to override the Secretary would have the following benefits:

1. There would be greater incentive on the Commission's part to have USFS input at the time the Management Plan is being developed;

2. Knowing that it would take nine votes to override the Secretary will bring about a greater cooperation between the Commission and the U.S. Forest Service in development of the Plan. This will result in the special skills, experience, resources, vision and continuity of the Forest Service being put to greater use by the Commission in development of the Management Plan;

3. By requiring more votes to override the Secretary's review than it took to adopt the Plan, will give an opportunity for the national interest to have some representation in final adoption of the Management Plan. Only through the Secretary's review do the people of Maine, New York, Kansas and California have a practical voice in protecting this acknowledged national treasure.

II. IN SECTION 6, PROVISION SHOULD BE MADE TO ALLOW THE SECRETARY TO PREPARE AND ADOPT A MANAGEMENT PLAN IN THE EVENT THE COMMISSION DOES NOT DO SO IN THE TWO-YEAR TIME PERIOD ALLOWED.

The second point I wish to make here is the need to correct an obvious oversight in the drafting of S2055.

Thus, in Section 6, the Commission is required to adopt a Management Plan within two years of the date of enactment of the Act. No provision is made, however, to deal with the situation where the Commission fails to adopt the Plan within the two-year time limit.

Thus, I suggest S2055 should be changed to provide that if the Commission fails to adopt a Management Plan within the two-year period, then the Secretary shall prepare and adopt a Management Plan for the Scenic Area which shall remain in effect until such time as the Commission, with Secretarial review, adopts a Management Plan in the manner provided in the Act which Plan would then supersede the Plan prepared by the Secretary.

Failure to make this change would mean that three Commission members in either state would have the ability to prevent the adoption of any Management Plan indefinitely and thereby completely negate this entire legislation.

III. LANGUAGE IN SECTION 5 RELATING TO CONSTITUTIONALITY AND INTERSTATE COMPACTS WHICH WAS TAKEN FROM THE HIGHLY LITIGATED PACIFIC NORTHWEST ELECTRIC POWER PLANNING AND CONSERVATION ACT NEEDS TO BE CHANGED TO REDUCE THE LIKELIHOOD OF LITIGATION THAT WOULD DELAY EFFECTIVE PROTECTION OF THE COLUMBIA GORGE.

In closing, I wish to express my opinion that S2055 has many provisions which are not well drafted and That it contains provisions which are uncertain, unclear, ambiguous or deficient in ways which I believe will promote uncertainty and controversy in the interpretation and application of the Act and almost certainly will result in litigation which will greatly delay the achievement of the purposes of this Act.

An example of this is the provisions of Section 5 which, with minor variations, are adopted almost intact from the Pacific Northwest Electric Power Planning and Conservation Act ("Northwest Power Act"). This language in the Northwest Power Act has been the subject of extensive litigation before the federal Ninth Circuit Court of Appeals for several years where a petition for rehearing is pending and from which an appeal will almost certainly be taken to the U.S. Supreme Court.

Regardless of the ultimate outcome of that litigation (probably in about two or three years), there are issues dealing with constitutionality and with interstate compacts which were not fully raised in the Northwest Power Act litigation and which are present in S2055. Accordingly, I believe that there is a very strong likelihood that this proposed Columbia Gorge legislation, if passed as drafted, could be tied up in litigation for as long as four or more years and until any such litigation is finally resolved, the effectiveness of this Act will be in doubt and, very possibly, several years of protection of the Gorge will be lost.

In my opinion, these matters of constitutionality and interstate compacts deserve much more attention and extensive changes in language, and perhaps of concept, are needed if adequate protection of the Columbia Gorge is to be achieved without unnecessary delay.

VICTOR ATIYEH
GOVERNOR

OFFICE OF THE GOVERNOR
STATE CAPITOL
SALEM, OREGON 97310

FYI
FOR YOUR INFORMATION
May 28, 1981
From
Oregon Governor's Office
Communications

May 28, 1981

THIS IS THE TEXT OF A LETTER
SENT BY GOV. VIC ATIYEH TO
MEMBERS OF THE
OREGON CONGRESSIONAL DELEGATION

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Like others, I have long valued the scenic and historic values of the Gorge. I feel a great sense of urgency to assure those who follow us on this earth the same great splendor we now enjoy. There is a great need now to secure that heritage.

I had hoped that local governments on both sides of the river might be able to do an adequate job. I am convinced that they, by themselves and without support, are not now able to do it on their own.

I had thought, originally, that a bi-state compact might be quickly established to do the necessary job, but I have come to realize that the process of obtaining such a compact, which would be satisfactory to all parties involved, would be very time-consuming. While I will continue to work with the state of Washington, if it desires to pursue that effort, I am not convinced that we have that much time. The Washington Legislature has created a Select Committee to review the need to preserve the scenic values of the Gorge and ways and means of accomplishing such preservation. I intend to appoint a similar group in Oregon to cooperate with the State of Washington in its effort.

I have asked Joan Smith and Borden Beck to make an in-depth study for me. They have done an outstanding, professional job of contacting interest groups and individuals, providing me with their report and alternatives for a solution to a widely accepted goal.

A great amount of thought is being given to the scenic protection of the Gorge by many interested, knowledgeable and responsible citizens and, I believe, we have a fairly general

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consensus that strong protective actions need to be taken immediately. Further, that growing consensus seems to favor a federal, state and local partnership with a certain degree of federal leadership.

To bring this partnership about and to do it most expeditiously, will, I believe, require federal legislation. Let me reiterate my position: I have not changed my goal, but I have modified my thoughts as to how that goal might best be quickly achieved. I am prepared to pursue both avenues of relief, intensively, and to support any effort that is made which shows likelihood of achieving the goal.

After studying the views of a wide variety of interested parties, I am convinced that there is general agreement that the Gorge's scenic quality needs to be protected while maintaining its role as a major transportation corridor and promoting the economic viability of its urban communities. I urge that the objective of any federal legislation that is proposed incorporate that premise.

I hope, in your efforts to address the Gorge, you will take into consideration the following suggestions.

I believe that the Gorge must be considered as a single management unit. One workable, manageable and forceful overall Gorge plan (with criteria and standards for incorporation into local plans) needs to be developed to protect the scenic, cultural, historic and botanical values.

As I indicated earlier, there is a growing consensus that federal, state and local governments all have legitimate interests and concerns in the area. I believe that there is a need for partnership in planning to protect the Gorge.

I believe that rational boundaries for Gorge management must be drawn. Urban areas should be excluded. Critical areas, which make up a relatively small percentage of the total area, must be identified. This may well be the first task of a Gorge planning group.

Existing homes and businesses must be protected.

The single unit management concept must be developed with substantial local participation both (a) in drawing up an overall Gorge plan with its criteria for incorporation in local plans, and (b) in the adoption and administration of the local plans. I believe that a Gorge planning team should consist of representatives of local governments (i.e., counties in the Gorge), the two state governments and a lead federal agency.

-MORE-

While I have a high regard for both the National Parks Service and the U. S. Forest Service, in this instance - because of its large ownership in the Gorge and its already well-established good working relationships with people and local government in the Gorge - I believe the appropriate federal agency should be the Forest Service. Its charge should be to develop, with the other Gorge planning team members: (a) the overall Gorge management plan; (b) the criteria for critical areas requiring special scenic management; (c) criteria for preservation of historical, botanical and recreational resources; and (d) the criteria and standards for incorporation in local plans. Its large land holdings in the Gorge and its expertise in timber management, scenic preservation and historical interpretation make it the logical candidate for this responsibility.

In order to insure that the Gorge is managed as a unit and in a way in which does not pit one state against the other, I believe the federal agency must be the focus for appeals and have authority to review and approve the local plans.

Local governments should administer their own plans with right of appeal to the Gorge Planning Unit and to the Secretary of Agriculture.

There should be adequate funding, not only to carry out initial overall planning and development of criteria, but also to assist local governments with the development of their own plans. The federal agency responsible for implementation of the overall Gorge plan must, I believe, have land acquisition authority, where appropriate. It should also have very limited power of eminent domain, but only in critical areas threatened by inappropriate development, which could defeat the intent of the enabling legislation.

Provisions in enabling legislation should be made to permit in the future (i.e., after the management plan for the Gorge is completed and in place, and the local plans thereunder adopted and approved), the establishment by interstate compact of a form of management authority to which could be shifted the authority and responsibilities of the federal lead agency and the Gorge Planning Unit.

I look forward to working with the Delegation in this matter and hope we will be able to arrive at a regional consensus that is sensitive to the particular needs of both states and to the

-MORE/OVER-

local citizens involved, while taking into consideration the national interest in the Gorge.

Sincerely,

Victor Atiyeh
Governor

VA:ah

cc: Oregon and Washington Gorge Commissions
Governor John Spellman

Senator EVANS. Thank you.
Mr. Dick Benner.

STATEMENT OF RICHARD P. BENNER, STAFF ATTORNEY, 1000 FRIENDS OF OREGON, PORTLAND, OR

Mr. BENNER. Thank you, Senator Evans.

For the last 10 years I have been a staff attorney with 1000 Friends of Oregon in Portland, which is a nonprofit organization devoted to sound implementation of Oregon's nationally recognized land use law, and I would like to bring that experience to bear on a couple of problems you have heard about today, and will no doubt continue to hear about as you consider the legislation.

First, enforcement. As you know, S. 2055 makes enforcement discretionary, whereas H.R. 4221 makes it mandatory. I agree with Senator Packwood. Making enforcement discretionary is a mistake. If enforcement is discretionary, compliance with the act will be discretionary. That is the experience in the Oregon planning program. If you combine discretionary enforcement with an unenforceable standard that is found in S. 2055, substantially impair then your efforts and ours will be stillborn.

The 1975 Oregon Legislature made enforcement of its new planning law discretionary. In the first 8 years of implementation, LCDC went to bat for its program a grand total of six times. In 1982, after voters approved the program and defeated initiatives to remove the program three times, LCDC picked up the enforcement pace just a little bit, but only slightly.

There should be no surprise. Oregon's program is very controversial, as will be this program. Most local governments have been unwilling partners in the Oregon planning program for an obvious reason. Much of their planning power has been taken away from them. LCDC has exercised its discretion by not enforcing the law. The political pressures have simply been too great. The result, farmers, woodlot owners, business owners, people who have been my clients for 10 years, have had to fill the enforcement void at great personal expense.

Had it not been for LCDC's wisdom in incorporating clear and objective standards for citizens to enforce, Oregon's planning program would have been a costly failed experiment. If you do not want the commission to do the enforcing, there is an alternative. That is, you can get citizens to do the enforcing. You can facilitate citizen enforcement. Remove all obstacles to citizen appeals, and authorize award of fees so those citizens who devote their own resources to enforcement of public law can be made whole.

I do not recommend this approach. I think the program will enjoy more public confidence and understanding if the commission enforces its own law. The burden will not be that great. This is not the California Coastal Commission reviewing thousands of decisions every year. Much land in the gorge inside the boundaries is exempt, or is federally owned. Most county decisions will comply with the law.

I remind you that S. 2055, like H.R. 4221, mandates monitoring. As a result, much of the work behind enforcement will already be done. Finally, remember that if enforcement is mandatory, judgment and discretion remain. It is exercised when the commission employee determines whether a county decision complies with the law or not.

Now a word about standards. S. 2055 is permeated with the standards "substantially impair." What does "substantially" mean? Attorneys for developers will hire experts who will do lengthy studies that will absorb hundreds of hours of public hearings to prove their projects will not substantially impair resources in the gorge.

Opponents will employ likewise many hours to prove that a development project will impair the gorge. The public and private costs will be enormous. The Oregon experience over 10 years has been to get away from vague and ambiguous standards toward clear and objective standards. The substantially impaired test is a lawyer's playground. The best way to lighten the enforcement burden, whether it is borne by the commission or borne by the citizens is to replace vague and ambiguous standards with clear and objective standards.

Thank you.

[The prepared statement of Mr. Benner follows:]

1000 FRIENDS OF OREGON

Before the Senate Subcommittee on Public Lands
of the Committee on Energy & Natural Resources
Hearing, June 17, 1986

Testimony of Richard P. Benner
Staff Attorney

Mr. Chairman, members of the Subcommittee, my name is Richard P. Benner. For the past ten years I have been a staff attorney for 1000 Friends of Oregon in Portland, Oregon. 1000 Friends is a private, nonprofit organization devoted to sound implementation of Oregon's nationally recognized land use program. I would like to bring my experience with Oregon's planning program to bear on two issues raised by the several bills before you: enforcement and standards.

I Enforcement of the Act by the Commission Should be Mandatory

HR 4221 appropriately makes enforcement of county application of the Act mandatory. It says:

> "The Commission shall monitor activities of counties pursuant to this Act and shall take such action to ensure compliance. The Commission may employ independent legal counsel to ensure compliance with this Act."

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Section 15(a) (emphasis added). S. 2055, however, makes enforcement discretionary:

> "The Commission shall monitor activities of counties pursuant to this Act and may take such action as necessary to ensure compliance."

Section 15(a) (emphasis supplied).

This is a mistake. If enforcement of the Act and the management Plan is to be discretionary, compliance with the Act and Plan will be discretionary. Combine discretionary enforcement with an unenforceable standard--"substantially impair"--and your efforts and ours will be stillborn.

The 1973 Oregon Legislature made enforcement of the new planning law by the new Land Conservation and Development Commission (LCDC) discretionary. In the first eight years of implementation, LCDC went to bat for its program in court a grand total of six times. After 1982 after voters had three times beat back statewide initiatives to destroy the program, LCDC bucked up its courage and quickened the enforcement pace: It has been to court eleven times since 1982.

This performance should come as no surprise. Oregon's planning program is very controversial. Most local governments have been extremely unwilling partners, for an obvious reason: the new planning law took some of their power away and gave it back to the state whence it came. LCDC has exercised its discretion not to enforce its law by not enforcing it. The pressures have simply been too great. Farmers, woodlot owners, business owners--people who have been my clients over 10 years--have had to fill the void at great personal expense. Had it not been for LCDC's wisdom in incorporating clear and objective standards for citizens to enforce, Oregon's planning program would have been a costly, failed experiment. As it is, it's about half success and half failure because citizens have the resource to appeal only a small percentage of violations.

If you do not want the Gorge Plan to be enforced, then do not bother establishing a Plan. If you do want the Plan to be enforced, but you do not want the Commission to do the enforcing, there is an alternative: Facilitate citizen enforcement. Remove all obstacles to citizen appeals and authorize award of fees so citizens who devote their own resources to enforcement of public law can be made whole. I do not recommend this alternative. I believe the program will enjoy more public confidence and understanding if the Commission enforces its own law.

Some will argue the burden of enforcement on the Commission will be too great. If we were talking about the California Coastal Commission enforcing its law--under which thousands of decisions are made every year--I might agree. Here, the total number of decisions made annually will be a small fraction of that. Approximately 28,000 acres in urban areas are exempt. Much of the management area--88,000 acres--is publicly-owned. Many county decisions--most, we hope,--will comply with the law. The burden will be much smaller than some would have you believe.

I remind you that S. 2055, like HR 4221, mandates monitoring. As a result, much of the work behind enforcement is already required by S. 2055.

Finally, remember that even if enforcement is mandatory, some judgment and discretion remain. It is exercised when a commission employee determines whether a county decision complied with the law or not.

In sum, I recommend the mandatory enforcement language of HR 4221 over the discretionary enforcement language of S. 2055.

II S. 2055's "Substantially Impair" Language Will Spawn Litigation

What does "substantially" mean? Attorneys for developers will hire experts who will do lengthy studies that will absorb hundreds of hours of public hearings to prove that their projects will *not* "substantially impair" resources in the Gorge. Opponents will, of necessity, do likewise to prove the projects *will* impair the Gorge. Every losing party will appeal because that vague standard holds out a ray of hope for victory in court. The public and private cost will be enormous.

In 1984, LCDC in Oregon established new rules for destination resorts in rural areas. Resort developers were pleading for a review process with standards they could understand, standards that would protect them from lengthy, costly appeals. A state senator asked LCDC to incorporate the following criterion to protect farmland--a standard, I emphasize, much like the "substantially impair" test in S. 2055:

> "The development shall not alter the character of the surrounding area in a manner that substantially limits, impairs or prevents the permitted uses of the surrounding properties, and shall not force a significant change in or significantly increase the cost of farm or forest practices on nearby lands devoted to farm or forest use."

The proposal was met with howls of execration from developers already calculating what it would cost them in expert and attorney fees. LCDC rejected the test.

The same senator proposed the same language in the 1985 Legislature in an attempt to overrule LCDC. He met with the same reception. The test was repudiated. The Legislature chose to stay with LCDC's clear and objective criteria.

The "substantially impair" test is a lawyer's playground. The subcommittee should delete it from S. 2055. The best way to lighten the enforcement burden--whether borne by the Commission or by citizens--is to replace vague and ambiguous standards with clear and objective standards. That is what Oregon is doing after years of experience with a comprehensive planning program.

Senator EVANS. Thank you.

We turn first to the lawyers. Mr. Beck from your testimony or your comments it seems that you do not like the law very much.

Mr. BECK. I do.

Senator EVANS. You did not concentrate on that part of your testimony, I guess.

Mr. BECK. Those three minutes go awfully fast, Senator, when you have important things to say.

Senator EVANS. The nine versus eight votes, what is wrong with eight versus seven, then?

Mr. BECK. I have several reasons for that. First you have six members of the commission from two States. You have two States participating. I assume the reason for the eight votes in the draft was so that you, in order to get a friendly concensus between both States, you wanted to make sure that both States had a majority from their States approving the management plan. I think that is a good idea.

The problem is that this is a tri-party partnership, Federal and two States, the counties coming in through the States. So we have in reality a Federal interstate compact with one member having a vote only in the form of the Secretary's review. If that review is meaningless, and the Federal Government has lots of interests outside of the special management areas, there are a lot of lands and a lot of agencies that are involved there, if the third party of that partnership is not able to participate in the management plan, then you do not have a partnership.

Now you could—and that is my point, that by giving the Secretary the chance to review, as you properly pointed out, it does give him the chance to call to the attention of the States concerns of the Federal Government, but no power or authority; requiring one more vote does not completely overcome that difficulty, but it does tend to require the States to give a little more consideration on the commission, a little more consideration to the Federal interest to achieve even more concensus between the two States at the time they adopt the management plan.

Senator EVANS. Are you aware of any other circumstance where you require as much as 9 votes out of 12, 75 percent?

Mr. BECK. I am not familiar with such a case. I will be; you will get a letter from me. Two or three other Federal interstate compacts that now exist. I will find out in those whether in those compacts the Federal Government has a vote at all. Under the present plan, they would have none, but I will find out if at least a majority of all three partners in a Federal interstate compact are given a chance to vote.

In Multnomah County, which has a population of approximately 20 times the amount of population of the Gorge, when the executive officer of Multnomah County overrides the 5-person commission, it takes four votes, or 80 percent of that commission to override the executive. I happen to be not a land-use lawyer, I am a corporate and a business lawyer, and we frequently in organizing corporations, private corporations where a great deal of business is done, will provide that for certain important measures such as mergers, acquisitions, and so on, things of great importance to the corporation, changes of their stock structure, that it will take as much as three-quarters or more vote of the stockholders in order to pass those important measures. That happens all the time.

Senator EVANS. In at least some of the bills there is a prohibition against residential development on a private piece of property once it is taken into the SMA. In your view as a lawyer, is that a taking of private property?

Mr. BECK. I hope not. I realize that this has been of great concern to the people, and one of the concerns of most of the people in the Gorge that their property is going to be taken. The early drafts of these bills which I participated in drafting, bills drafted by Senator Packwood, provided that residences could not be condemned, farming and grazing; and the idea was to keep that from happening.

Senator EVANS. It is not a question of condemning. It is a question of saying: Today you are free to use your property; tomorrow you are encompassed in an SMA, and in at least one of the bills or several of the bills, it says now you can no longer build a house.

Mr. BECK. No longer build a house. All existing residences are protected.

Senator EVANS. Existing what?

Mr. BECK. I think all existing residences are protected from condemnation.

Senator EVANS. I am not talking about condemnation. You are saying to the people, now you cannot build a house on your lot, even though you planned to do so. That is not taking?

Mr. BECK. I do not think it is. I think that is like any other zoning. You have zoning all over. But maybe Mr. Benner who deals with that all the time could answer.

Mr. BENNER. I think the legal answer to your question, Senator, is there may be a taking if the effect of the regulation leaves no reasonable economic use. Under the Oregon planning law, there are many parcels, particularly in the Wallamet Valley, that were created years ago that have been zoned for forest use, or zoned for farm use on which no residential construction is allowed. Those lands are not taken because the land owner has remaining to him or her a substantial farm or forest use. So it is going to depend on the circumstances.

Senator EVANS. So you think in some cases it may be, and in some cases it may not be?

Mr. BENNER. It is possible. However, if you did a reading of recent Federal case law, cases coming out of the U.S. Supreme Court on taking, you will find that the issue has not been reached in the last three or four cases over the past 7 or 8 years always because the landowner has failed to exhaust remedies available to him or her to realize some economic gain from the property.

I do not think you can say, looking at a piece of legislation that may restrict residential development in the Gorge, that it will take anyone's property. It is legally impossible to say that.

Senator EVANS. Ms. Achterman, in place of the term substantially impairing, which some have suggested is not a very good term, one of the bills which is touted as being a better bill uses the term "adversely impairing." Would you like to comment on that phrase?

Ms. ACHTERMAN. Senator Evans, the reason I suggest a new phrase is because I personally—and at this point I am giving you my personal opinion—think that arguing about the difference in meaning between "without substantially impairing" and "will not adversely impair or detract" is the kind of semantic argument that lawyers love to engage in but virtually no one else understands. I think that "not adversely impair" is somewhat stronger.

The point of my testimony is that neither one of those phrases has been judicially interpreted, so we cannot predict what they are going to mean or what they are going to be interpreted to mean by the courts. And I think we have very good alternative phrases available in both Washington State law and Federal law and we know what they mean because they have been repeatedly interpreted by State and Federal courts.

Senator EVANS. You suggest that "adversely impair" might be a little stronger. Is not "adversely impair" a redunancy?

Ms. ACHTERMAN. I personally believe it is a redundancy, and that is why I think we should come up with an entirely new phrase that has been judicially interpreted, and I think gives the Congress the flexibility of using "no adverse impact" and "no significant adverse impact" to state the difference in different situations.

For example in my testimony I have indicated that you might choose and I would certainly recommend that in special management areas you might set the standard as allowing residential development, as long as there was no adverse impact, a very strict standard; whereas in the scenic area, you might say that there should be residential development, as long as there was no significant adverse impact, which is not quite so strict a standard.

Those phrases—Washington State, under the State Environmental Policy Act, that language comes out of that Act and the National Environmental Policy Act, and I really think it is an improvement.

Senator EVANS. They suggest that the term adversely impaired is not only a redundancy but worse than that, the dictionary definition of impair says make or cause to become worse; adversely is being or acting in a contrary direction. If you say adversely impair, you are probably saying it is wide open. You can do anything you want.

Ms. ACHTERMAN. I think where that phrase came from—and there is some background to it—is that the phrase has been used by some local jurisdictions and it has been used by the Gorge Commissions, the Oregon and Washington Gorge Commissions, to set their standards. Again, I would just emphasize that I think that we ought to move to phrases to set standards that have been interpreted by the courts where we will have some certainty over what they mean and yet still provide the flexibility that is necessary in this type of legislation.

Senator EVANS. Mr. Benner, you commented on the mandatory nature of the enforcement of the Act. Earlier on, I asked a question of another witness who did not feel quite up to responding, perhaps you will.

Would you say that if we were to change the words and say instead of may, that the Administration shall be in accordance with the laws, rules, and regulations in such manner as in his best judgment will best contribute to the attainment of the purposes? Is that good language or is that too flexible?

Mr. Benner. I do not think it is an improvement, Senator. I think when you repeat the words in his or her best judgment, you are again leaving it in that person's judgment to decide whether or not to enforce the law.

Senator Evans. Let me read another one. What about one that says he shall make and publish such rules and regulations not inconsistent with the laws of the United States as he may deem necessary or proper for the care, protection, management, and improvement of the same?

Mr. Benner. Senator, as you recall, my testimony was aimed at the provision in S. 2055 that left enforcement of the law mandatory. That is the choice by the Commission about when it encounters a violation by a county of one of the provisions of its plan, a choice by the Commission not to enforce the law, that is what we think ought to be out off there. If the Commission encounters a violation of the law, it ought to be required to enforce it. That is what I was addressing.

The different kind of discretion that is in S. 2055, which I think ought to be bridled, is in the development of criteria to be implemented, either at the local level or the Commission level. And you get discretion when you have terms that are vague and ambiguous. You get the exercise of judgment.

Now there is nothing wrong with a good exercise of judgment, but it is the bad exercise of judgment which brings us here in the first place. And as you observed, elected officials like to exercise judgment. Naturally, that is supposed to be one of the benefits of being elected. However, we have noticed something in working with the Oregon Planning Program over 10 years, and that is exercising discretion, in a circumscribed atmosphere like is present in the Oregon Planning Program and would be here, pretty soon local officials get tired of the pressures that are brought to bear on them and they begin, as well as the people who use the system—I mean developers—they get tired of exercises of discretion that result in litigation because it takes so much time and so much money.

More and more, as the Oregon Planning Program is being approved, we have developers asking the commission, asking the LCDC, to improve their standards to make them clearer and more objective so they know where they are, they can make investments and count on them without confronting litigation at every turn.

Senator Evans. Clear and objective I can understand. Discretion is not quite the same thing. Frankly, I am astonished listening to you say that it is not just that local officials like discretion. It is that anyone—a manager of a major corporation, a schoolteacher, a doctor—does not like to be mandated by such strict requirements that they cannot use their professional discretion.

It seems to me that it is totally inappropriate to suggest that no discretion be allowed. Every single person sitting in this room wants and asks for some discretion and would object if, in their own professional circumstances, they were continually stifled by people not having any trust at all in their so-called discretion.

Mr. Benner. I understand that fully, Senator. And that is not what I am advocating. My testimony was that enforcement of the law not be discretionary with the commission. If it is the commission's law, the commission ought to enforce it. If in the minds of

Congress that is not appropriate, then certainly citizens ought to be encouraged to enforce it and not have to bear the full brunt of enforcement by putting forward their own resources. One of the two things has to happen or you will have a program that will not work.

Senator EVANS. You did not like the language that I read saying the administration shall be in accordance with the laws, rules, and regulations in such manner as in his judgment will best contribute to the attainment of the purposes? That would be inadequate to use?

Mr. BENNER. Senator, when you use those words, are you talking about the enforcement of the law or are you talking about implementation of the law?

Senator EVANS. I am talking implementation and enforcement. Enforcement of the law is to implement it.

Mr. BENNER. Are you suggesting that that language be substituted for the language in section 15(a)?

Senator EVANS. Would you think that would be an appropriate substitution?

Mr. BENNER. No, I do not. I think that the language in H.R. 4221, which makes enforcement mandatory, is better language.

Senator EVANS. So where it now says the commission shall monitor activities of counties pursuant to this act and may take such action as necessary to ensure compliance, changing it to the Commission shall monitor activities of counties pursuant to this act and in accordance with the laws, rules, and regulations in such manner as in their best judgment will best contribute to the attainment of the purposes would not be good enough?

Mr. BENNER. I do not think so, no.

Senator EVANS. OK. I just want to point out that that is the language used in the management of the Oregon Dunes National Recreation Area.

OK. Let us go to the next panel.

Mr. Ted Lilley, Ms. Dianne Perry, Mr. Stewart Bledsoe, Mr. Robert Chamberlain, and Mr. Blake Rowe.

We may or may not have the next one after that without a delay. All right. Let us proceed. The first one is Ted Lilley.

STATEMENT OF THEODORE LILLEY, JR., VICE PRESIDENT, STIMSON LUMBER CO., PORTLAND, OR

Mr. LILLEY. Mr. Chairman, my name is Ted Lilley. I am vice president in charge of timberlands for the Stimson Lumber Co., headquartered in Portland. We have to be against the bill as it exists because we feel that it further reduces the commercial forest land base.

We are particularly opposed to the potential loss of BLM timberlands in northwest Oregon to solve a problem which enactment of the bill would create in the gorge. In order to include these BLM lands, one merely deletes the words "National Forest" in the bills and substitutes the word "public" with the stroke of a pen.

Because no decision such as this is made in a vaccuum, that the loss of the BLM lands in northwest Oregon are coupled with the proposed Grand Ronde Timber Reservation which is in the same district of the BLM, and that is combined with the withdrawal for spotted owls and other nontimber uses of BLM land, the potential loss of land base could be as high as 40 percent, I believe, and perhaps even higher. That would be 10 percent on the proposed exchange, 9 percent to the Grand Ronde Indian Reservation and the balance to spotted owls and nontimber uses.

The timber on these northwest lands are in the older age groups and they are essential to the BLM to the Westside Salem District to maintain their annual cut. And we would request that no action be taken which transfers the problem from the Columbia River Gorge down into northwest Oregon.

Thank you sir.

[The prepared statement of Mr. Lilley follows:]

STATEMENT BY

THEODORE LILLEY, JR.

VICE PRESIDENT

STIMSON LUMBER COMPANY

on S. 2055

Before The

Public Lands, Reserved Water &
Resource Conservation Subcommittee
of the
Senate Committee on Energy and
Natural Resources

June 17, 1986

My name is Theodore Lilley, Jr. I am Vice President for timber and timberlands for Stimson Lumber Company which is headquartered in Portland, Oregon. Our company has been in continuous operation since the turn of the century and is one of the few remaining family owned, diversified forest products companies left in Oregon. We currently have manufacturing facilities and forest lands in Northwest Oregon and in California. We employ approximately 800 people.

Our major operations in Northwest Oregon consist of two sawmills and a hardboard plant located in Forest Grove and a sawmill in Clatskanie, Oregon. Of our total employment, these mills account for 315 people.

We are here to express our concern and opposition to certain proposals being considered whereby private forest lands located within the Gorge would be acquired by public authority in exchange for public domain and/or O&C lands in Northwest Oregon

It is our understanding that certain forest products companies with lands in the Gorge area which stand to be acquired have expressed interest in obtaining BLM lands (both public domain and O&C lands) in Northwest Oregon in exchange rather than National Forest lands which lie adjacent to the Gorge area.

There have been five separate bills introduced by Senators and Members of Congress from the states of Oregon and Washington to establish a Columbia Gorge National Scenic Area.

The Scenic Area contemplated would consist of approximately 270,000 acres and includes 108,000 acres of Special Management Areas. The legislation will include an estimated 37,000 acres of private land of which approximately only 4,300 acres lie in Oregon. The remainder are in Washington State. All five bills under consideration allow for the acquisition of these private lands by exchange for National Forest lands in Oregon and Washington.

We oppose the concept that BLM lands in Northwest Oregon may be used to compensate these private landowners. The private companies involved have already started selecting the areas they want in exchange. It is our understanding that the BLM has been directed to select site-specific areas in Northwest Oregon that should remain in public ownership because of critical environmental concerns. The idea being that the remainder could be utilized for exchange purposes to satisfy the requirements of the Columbia Gorge National Scenic Area legislation.

One particular BLM area in Northwest Oregon which is vital to our needs is a land area designated by BLM as the Scappoose Block consisting of 16,000 acres. Stimson Lumber Company has manufacturing facilities to the North of these lands at Clatskanie, Oregon and to the South at Forest Grove, Oregon. In addition, there are at least seven other Oregon mills with easy access to this timber. The mills to which I refer are all independently or cooperatively owned. This block of timber comprises a substantial part of the resource base for all of us. The Scappoose Block has been targeted by certain private companies for acquisition from BLM in the event that their privately-owned lands, most of which are in the State of Washington, should be taken as part of the Gorge legislation.

Because the timber on the Scappoose Block is in older age groups and because harvest of this timber is planned in the near future, any exchange of these lands would have a significant impact on the annual cut in the Westside Salem District of the BLM. First, there is the loss of land base which would force a reduction in the annual cut which is now 155 million board feet for the entire Westside Salem District. In addition, there would have to be a further reduction so that the BLM, which had been counting on these lands to maintain their annual harvest level, could bring their age groups back into balance reflecting a lower land base. The cumulative short-term impact could be a loss of 35 mm to 50 mm bd. ft. of timber annually. This is enough timber to supply the annual raw material needs of one average size sawmill.

The present estimates of volume on the Scappoose Block are approximately 300 mm bd. ft., and this volume is expected to double within the next ten to thirty years. The age of the timber, (generally 35 years and older) and the quality of the land makes this rate of growth well within the realm of probability.

Another consideration which must be given to the proposed exchange of lands, is that this decision will not be made in a vacuum. At the present time, the Westside Salem District stands to lose about 17,000 acres of prime timberland to the Grand Ronde Indians for a new reservation. In addition, a large acreage conceivably up to 60,000 acres is to be dedicated for Spotted Owls as well as other non-timber uses. Taking these proposals into account, the potential loss of commercial timberland could be as high as 50% of the commercial forest land base of the Westside Salem District of the BLM. Also, the State of Oregon is placing restrictions on the logging of private lands for environmental purposes. All this results in a loss of available timber for domestic mills. Taken together, this legislation, if it includes BLM lands in Northwest Oregon, together with these other factors would combine to create a timber shortage of major magnitude in Northwest Oregon.

One must also realize that the companies which would receive these lands in exchange for their lands in the Gorge are predominately log exporting companies. At the present time, timber from the Scappoose Block is prohibited from export. Should the exchange be made, the export restriction would no longer apply and a further erosion of the supply of timber available for domestic manufacture would occur. The Scappoose Block is extremely attractive to log exporters because it lies about 15 airline miles from the major Columbia River log exporting complex.

In conclusion, I would like to stress that the commercial forest land base is a finite resource. In view of the wide sponsorship and interest in Columbia Gorge National Scenic Area legislation, it is quite likely that this bill will be enacted in some form. Since creating the Scenic Area will result in taking approximately 37,000 acres of private land the bulk of which lies in Washington State, out of timber production, we ask that this economic burden not be transferred to the State of Oregon and especially to the Northwest portion of Oregon where many mill owners such as our elves and a substantial number of Oregon communities rely on these BLM timber supplies as an integral part of their economic structure.

Mr. Chairman and Members of the Subcommittee, I appreciate the opportunity you have afforded me today to present the views of Stimson Lumber Company on S. 2055. Thank you.

Senator EVANS. Thank you very much.
Ms. Dianne Perry.

STATEMENT OF DIANNE PERRY, DIRECTOR, PUBLIC AFFAIRS, CAVENHAM FOREST INDUSTRIES, PORTLAND, OR

Ms. PERRY. Thank you, Senator. My name is Dianne Perry and I am director of Public Affairs for Cavenham Forest Industries. Cavenham is the successor company to Crown Zellerbach's Timberlands and Wood Products operations, following the stock exchange transaction between Crown Zellerbach and James River earlier this year.

The company owns approximately 15,000 acres of timberland in the Washington counties of Clark, Skamania, and Klickitat. Approximately 6,400 acres are included within the boundaries of the proposed Columbia Gorge National Scenic Area outlined in S. 2055.

As a member of the coalition of large and small forest landowners concerned with this legislation, I have been asked to briefly comment on three issues.

First of all, the importance of continued access to forest lands within the gorge but outside the boundaries proposed in S. 2055. Second, the rationale for a 3-year time frame to complete land exchanges. And, finally, the need for adequate funding to implement the provisions of S. 2055.

The first issue is access to private, commercial forest land which is outside the boundaries of the proposed national scenic area. Access to most of the land outside the proposed area depends on roads that pass through the proposed national scenic area. In the case of our ownership, virtually all of our roads go up from the Columbia River through the proposed area to forestlands outside the boundaries.

We need access to those properties for normal forest management activities and we are concerned that the management plan under this proposal may result in making access either too costly or impossible.

If roads are not maintained or developed in the scenic area, we will unable to reach outlying properties. If use of rock for road maintenance is discouraged or prohibited, the scarce rock which is left may be too costly to permit cost-effective access to and management of these properties. This could result, we believe, in a taking of outlying property by making it unreachable.

Additionally, removing more timberland from production by limiting road maintenance and access could have a further negative impact on the forest economy of the gorge. We urge clarification of this issue by including language in the bill which affirms that landowners adjacent to the proposed area will be permitted reasonable economic access to their property.

Second, we want to express continued support for a 3-year time frame to complete land exchanges. We already have land which has been identified for inclusion in the scenic area. We do not want private forestlands placed in limbo for an extended period of time while the owners continue to pay taxes on those lands awaiting a final exchange.

There is no incentive to make additional forest management investments in properties which will no longer be a part of our respective businesses—thus, the need to get on with the exchange process. We have proposed language which will help expedite the exchange process and urge you give favorable consideration to our proposal as well as maintain a 3-year time frame in the final bill.

Our final concern is that adequate funding be included in S. 2055 to implement the bill's provisions in a timely way. It is our understanding that current Forest Service appropriations are sufficient only for the ongoing land exchange program.

With responsibility for implementing land exchanges and acquisitions of the magnitude proposed in this bill, the Forest Service will require significant additional resources. We urge support for adequate funding to implement Senate 2055.

And in addition, the amendments that our coalition is proposing were attached to my testimony. Thank you.

[The prepared statement of Ms. Perry follows:]

STATEMENT OF DIANNE PERRY
DIRECTOR, PUBLIC AFFAIRS
CAVENHAM FOREST INDUSTRIES INC.
BEFORE
SENATE ENERGY AND NATURAL RESOURCES COMMITTEE
RELATING TO
COLUMBIA RIVER GORGE
PROTECTION LEGISLATION

JUNE 17, 1986
WASHINGTON, D. C.

MY NAME IS DIANNE PERRY AND I AM DIRECTOR OF PUBLIC AFFAIRS FOR CAVENHAM FOREST INDUSTRIES. CAVENHAM IS THE SUCCESSOR COMPANY TO CROWN ZELLERBACH'S TIMBERLANDS AND WOOD PRODUCTS OPERATIONS, FOLLOWING THE STOCK EXCHANGE TRANSACTION BETWEEN CROWN ZELLERBACH AND JAMES RIVER CORPORATION EARLIER THIS YEAR.

THE COMPANY OWNS APPROXIMATELY 15,000 ACRES OF TIMBERLAND IN THE WASHINGTON COUNTIES OF CLARK, SKAMANIA AND KLICKITAT. APPROXIMATELY, 6,400 ACRES ARE INCLUDED WITHIN THE BOUNDARIES OF THE PROPOSED COLUMBIA GORGE NATIONAL SCENIC AREA OUTLINED IN S 2055.

AS A MEMBER OF THE COALITION OF SMALL AND LARGE FOREST LANDOWNERS CONCERNED WITH COLUMBIA GORGE LEGISLATION, I HAVE BEEN ASKED TO COMMENT BRIEFLY ON THREE ISSUES:

*THE IMPORTANCE OF CONTINUED ACCESS TO FOREST LANDS WITHIN THE GORGE BUT OUTSIDE OF THE BOUNDARIES PROPOSED IN S 2055;

*THE RATIONALE FOR A THREE-YEAR TIME FRAME TO COMPLETE LAND EXCHANGES; AND

*THE NEED FOR ADEQUATE FUNDING TO IMPLEMENT THE PROVISIONS OF S 2055.

ACCESS TO ADJACENT FOREST LANDS FOR FOREST MANAGEMENT

THE FIRST ISSUE IS ACCESS TO PRIVATE, COMMERCIAL FOREST LAND WHICH IS OUTSIDE THE BOUNDARIES OF THE NATIONAL SCENIC AREA PROPOSED IN S 2055. ACCESS TO MOST OF THE LAND OUTSIDE THE PROPOSED AREA DEPENDS ON ROADS THAT PASS THROUGH THE PROPOSED NATIONAL SCENIC AREA. IN THE CASE OF OUR OWNERSHIP, VIRTUALLY ALL OF THE EXISTING ROADS GO FROM THE COLUMBIA RIVER THROUGH THE PROPOSED SCENIC AREA TO FORESTLANDS OUTSIDE THE BOUNDARIES. WE NEED ACCESS TO THOSE PROPERTIES FOR NORMAL FOREST MANAGEMENT ACTIVITIES AND ARE CONCERNED THAT THE MANAGEMENT PLAN UNDER THIS PROPOSAL MAY RESULT IN MAKING ACCESS EITHER TOO COSTLY OR IMPOSSIBLE. IF ROADS ARE NOT MAINTAINED OR DEVELOPED, WE WILL BE UNABLE TO REACH OUTLYING PROPERTIES. IF USE OF ROCK FOR ROAD MAINTENANCE IS DISCOURAGED OR PROHIBITED, THE SCARCE ROCK WHICH IS LEFT MAY BE TOO COSTLY TO PERMIT COST EFFECTIVE ACCESS TO AND MANAGMENT OF THESE PROPERTIES. THIS WOULD RESULT, WE BELIEVE, IN A TAKING OF THE PROPERTY BY MAKING IT UNREACHABLE. ADDITIONALLY, REMOVING MORE TIMBERLAND FROM PRODUCTION BY LIMITING ROAD MAINTENANCE AND ACCESS, WOULD HAVE A FURTHER NEGATIVE IMPACT ON THE FOREST ECONOMY OF THE GORGE. WE URGE CLARIFICATION OF THIS ISSUE BY INCLUDING LANGUAGE IN THE BILL WHICH AFFIRMS THAT LANDOWNERS ADJACENT TO THE PROPOSED AREA WILL BE PERMITTED REASONABLE ECONOMIC ACCESS TO THEIR PROPERTY.

TIMING OF EXHANGES

SECONDLY, WE WANT TO EXPRESS CONTINUED SUPPORT FOR A THREE-YEAR TIME FRAME TO COMPLETE LAND EXCHANGES. WE ALREADY HAVE LAND WHICH HAS BEEN IDENTIFIED FOR INCLUSION IN THE SCENIC AREA. THIS PLACES LIMITATIONS ON RESPONSIBLE LANDOWNERS TO STOP OPERATING EVEN BEFORE A BILL IS PASSED. WE DO NOT WANT PRIVATE FOREST LANDS PLACED IN LIMBO FOR AN EXTENDED PERIOD OF TIME WHILE THE OWNERS CONTINUE TO PAY TAXES ON THOSE LANDS AWAITING A FINAL EXCHANGE. THERE IS NO INCENTIVE TO MAKE ADDITIONAL FOREST MANAGEMENT INVESTMENTS IN PROPERTIES WHICH WILL NO LONGER BE A PART OF OUR RESPECTIVE BUSINESSES. THUS THE NEED TO GET ON WITH THE EXCHANGE PROCESS. WE HAVE PROPOSED LANGUAGE WHICH WILL HELP EXPEDITE THE EXCHANGE PROCESS AND URGE YOU GIVE FAVORABLE CONSIDERATION TO OUR PROPOSAL AS WELL AS MAINTAIN A THREE-YEAR TIME FRAME IN THE FINAL BILL.

ADEQUATE FUNDING

OUR FINAL CONCERN IS THAT ADEQUATE FUNDING BE INCLUDED IN S 2055 TO IMPLEMENT THE BILL'S PROVISIONS IN A TIMELY WAY. IT IS OUR UNDERSTANDING THAT CURRENT UNITED STATES FOREST SERVICE APPROPRIATIONS ARE SUFFICIENT ONLY FOR THE ONGOING LAND EXCHANGE PROGRAM. WITH RESPONSIBILITY FOR IMPLEMENTING LAND ACQUISITIONS AND EXCHANGES OF THE MAGNITUDE PROPOSED IN S 2055, THE FOREST SERVICE WILL REQUIRE SIGNIFICANT ADDITIONAL RESOURCES. WE URGE SUPPORT FOR ADEQUATE FUNDING TO IMPLEMENT S 2055.

THANK YOU.

FOREST LANDOWNER COALITION PROPOSED AMENDMENTS
COLUMBIA GORGE NATIONAL SCENIC AREA ACT
Senate Bill 2055, 99th Congress, 2nd Session (1986)

These amendments are intended to convey the substance of the concerns of the private forest landowners in the Gorge. They may not be in proper form for final incorporation in the Bill. These changes, particularly those to Sections 9 and 17, are of vital concern to the owners of private forest lands in the Gorge.

1. Section 6, subsection (a)(1), page 19, line 24. Delete the word "and" before the word "recreation" and delete the word "economic"; insert the words "and economic" before the word "resources." The last sentence of subsection (a)(1) would then read: "The inventory shall document all existing land uses, natural features and limitations, scenic, natural, cultural, recreation and economic resources and activities."

This change would insure that economic resources be inventoried.

2. Section 6, subsection (b)(2), page 22, line 1. The words "commercially viable" should be inserted before the words "forest uses."

This change is to confirm that the management plan insure that permitted forest uses include the growing and harvesting of trees in a commercially viable manner. The change may not be necessary if the savings clause found at Section 17, subsection (e) (see paragraph 11 below) is strengthened.

3. Section 6, subsection (b)(8), page 24, line 6. Insert the word "new" before the words "surface mining operations."

It is our understanding that the Forest Practices Acts of the States of Oregon and Washington permit limited surface mining for road construction on forest lands. Although the savings clause at Section 17, subsection (e), may resolve this matter in favor of such mining, it seems better to avoid internal inconsistencies in the Act and apply this restriction only to "new" surface mining operations.

4. Section 8 subsection (g), page 33, line 4. The word "at" should be changed to "from and after."

This change is for clarification purposes.

5. Section 9, subsection (c)(2), page 33. The existing subsection (c)(2) should be deleted and the following inserted in its place:

> (c)(2) In exercising the direction to acquire lands or interests therein pursuant to subsection 9(c)(1), the Secretary may, notwithstanding any other provision of law, accept title to such lands or interest therein and convey to the owner of such property national forest lands and/or reservations of timber on national forest lands within the states of Oregon or Washington, or both, regardless of the state in which the transferred land is located. Lands and interests therein (including reservations of timber) exchanged pursuant to this subsection shall be of

approximately equal value; provided, that the Secretary may accept cash from or pay cash to the grantor in such an exchange in order to equalize minor differences in the values of the properties exchanged.

This change is to reaffirm the "direction" to the Secretary to acquire lands, to insure that exchanges can take place across state lines notwithstanding the provisions of the Forest Exchange Act, 16 U.S. § 485, and that such exchanges may include "reservations of timber," in such transactions.

6. Insert the following as a new subsection (c)(3) in Section 9:

> (c)(3) In the event that acquisitions made pursuant to subsection (c)(2) leave a non-federal land owner with ownership of lands within one mile of the boundaries of the Special Management Area (whether contiguous to exchanged land or not and including lands outside the Scenic Area) which are not of sufficient size or configuration, or do not have adequate access or otherwise are not suitable for commercially viable timber production, the Secretary shall, at the non-federal landowner's option, also acquire such lands pursuant to subsection 9(c)(2) as if they were within the Special Management Area.

This change is to require the acquisition of lands that become uneconomical remnants through the acquisition of Special Management Area lands. Such lands may be of limited size or configuration, e.g., narrow strips of land, odd shapes, very small parcels, etc., and lands to which access is cut off through the Secretary's acquisition of lands in the Special Management Areas. This provision is to avoid the severe economic hardship that would result if such changes are not permitted by the Act which is presently the case.

7. Insert the following as a new subsection (c)(4):

> (c)(4) The following-described national forest system lands and interests therein are hereby set aside as candidate lands for the exchanges envisioned by this subsection (c). Such lands are hereby withdrawn from all forms of entry or appropriation or disposed under the public land laws, and from location, entry and patent under the United States mining laws, and from disposition under all laws pertaining to mineral and geothermal leasing and all amendments thereto until completion of the exchanges envisioned by this Section 9.
>
> [PROVIDE LEGAL DESCRIPTIONS AND ACREAGES OF CANDIDATE LANDS]

This section provides for this listing of candidate lands and their withdrawal from appropriations pending the exchanges required by Section 9.

8. Section 9, subsection (c)(3), page 35. Existing subsection (c)(3) should be renumbered as subsection (c)(5).

9. Section 9, subsection (g), page 36. Existing subsection (g) should be renumbered as a new subsection (h).

10. Section 9, subsection (g), page 36. Add a new subsection (g) to read as follows:

> The National Environmental Policy Act (83 Stat. 852, as amended) or regulations issued thereunder shall not be construed in whole or part to require the preparation or submission of an environmental assessment or environmental impact statement for any exchange or acquisition made in furtherance of this Act. Exchanges and acquisitions made hereunder shall also be exempt from the requirements of the National Historic Preservation Act, the provisions of Executive Order 11593 (protection of cultural resources), the Endangered Species Act, and the Forest Exchange Act.

These exemptions will enhance the ability of the Secretary to meet the time deadlines set forth in the Act. The NEPA exemption was included in the Mt. St. Helens bill.

11. Section 17, subsection (e), page 53. Delete the existing subsection (e) and insert the following in its place:

> (e) Except for the management, utilization or disposal of timber resources on non-federal lands within the Special Management Areas, Congress does not intend that the establishment of the Scenic Area and designation of Special Management Areas impair or alter in any way the management or utilization of forest lands and disposition of timber resources on forest lands permitted by existing law in the states of Oregon and Washington, which laws shall continue to control forest lands. Nothing in this Act shall be construed to affect or modify the rights and responsibilities of non-federal forest owners under the Oregon and Washington Forest Practices Acts, or any county regulations which under state law supersede such acts.

This change is to strengthen the savings clause in having Congress express the intent that state law will govern forest practices, except as to the Special Management area; and pick up the language in other savings clauses which avoid possible contrary "constructions" of the Act.

Senator Evans. Thank you very much.

Mr. Stewart Bledsoe.

STATEMENT OF STEWART BLEDSOE, EXECUTIVE DIRECTOR, WASHINGTON FOREST PROTECTION ASSOCIATION, OLYMPIA, WA

Mr. Bledsoe. My name is Stewart Bledsoe. I am the executive director of the Washington Forest Protection Association, an association whose members own and operate about 5.5 million acres of timberland in Washington State, about 30,000 of those within the Columbia Gorge special management area. I have a complete testimony which I will submit, sir, and may I offer my comments around them.

Senator Evans. Again, all of everyone's written testimony will be included in the record in total.

Mr. Bledsoe. Very well.

First, my compliments to you and the rest of the northwest delegation and your staffs, my compliments on your persistence, energy, and whatever else you want to call it, devotion to duty, in bringing this bill to this point of discussion. We join you early as a coalition of timberland owners in the State of Washington, deciding that we would do an unprecedented thing as timberland operators; we would come off the sidelines. Instead of resisting totally, we would try to be part of the decisionmaking circle. We arrive here at the moment of truth of the bill in front of us, and we are here not as unloving critics nor either uncritical lovers of the message.

With varying degrees of support and in one instance nonsupport, we are still here trying to be supportive, creative and assistive and while we might support it with varying degrees of enthusiasm, we all recognize that it is probably the best thing that can be accomplished in the area, if something must come. We, the four of us on this end of the panel, intend to confine our comments to our area of timberland management expertise and not deal with the management end or other areas where we really do not have that much to say.

Looking into the history, it is obvious that forest products operations are part of the original heritage in the gorge, going back to the 1800's. If we are to maintain that heritage in that case, it would seem again very obvious that this linchpin of the economic base in the gorge must be dealt with realistically and effectively.

The timber industry has, for a long time, been part of the economic support of the gorge. As a matter of fact, one of the major parts with 25 mills, plywood, plants, pulp and paper operations in the gorge area, several of them in the gorge themselves and Clark, Skamania, and Klickitat Counties, a long-time economic employment base has been around 3,200. With a multiplier effect, that could be about a 10,000 man or woman economic impact on the gorge. You can readily see that for 40,000 inhabitants living there, that is a large percentage of them involved.

Even today, with reduced numbers, around 2350 timber jobs and the 6,500 to 7,000 multiplier, we are still dealing with a natural heritage. We are farming, not mining here, any longer. And we are into the second forest in the gorge for the most part. Thus, the long-time nature of the business should be apparent before us, and

I must insist that we as timberland managers see the absolute necessity of a clear-cut definition of the savings clause, Clause No. 17, and we have brought some language with us appended to the last page of our statement for an amendment which changes and strengthens the savings clause so that Congress expresses its intent that State law will govern forest practices except as to the special management areas and pick up the language in other savings clauses that avoid contrary constructions of the act.

We also noted a deficiency that we just discovered upon arriving in town, and we would like to submit at a later time, if possible, an amendment dealing with the class one air quality areas that could be inferred around the special management areas if they were created in that designation.

Senator Evans. Yes. The record will remain open. In fact, for everyone's information, the record will remain open for 2 weeks for additional information and testimony which people may want to submit as a result of information we gather here today. We certainly would appreciate having that.

Mr. Bledsoe. Nowhere in the original bill is it even addressed. And it suddenly occurred to us as we dealt with this thing that we are dealing in an air quality area and we would like an opportunity to submit something. So thank you, sir.

[The prepared statement of Mr. Bledsoe follows:]

TESTIMONY BY THE WASHINGTON FOREST PROTECTION ASSOCTION ON THE COLUMBIA GORGE LEGISLATION

My name is Stewart Bledsoe. I am the executive director of the Washington Forest Protection Association, a trade association of forest landowners, established in 1908 whose members own and manage slightly more than 5 million acres of commercial timber land in Washington State. Members of this association own and manage approximately 30,634 acres of commercial forest land within the proposed Columbia River Gorge scenic managment area boundaries in Washington State. They also own and operate a number of major wood processing facilities in the Gorge. In addition to my commentary, we have included in this panel a forester whose company owns lands and operates a mill in the area, and spokes-persons for the two largest timber landowners in the area. We appear here with varing degrees of enthusiasm for the proposed Columbia Gorge legislation but universally bound to the concept that "if something has to happen in the Columbia Gorge, legislatively, this proposal is probably the best thing that could be devised."

We will also confine our commentary to matters directly affecting timber land-owning and forest products processing in the Columbia Gorge. On this subject, our expertise is relevant. We will refrain from commenting on the management entity and other facets of the proposed legislation that are outside our subject area of timberland ownership and forest products processing.

FOREST PRODUCTS INDUSTRY IN THE GORGE

In any legislative proposal which attempts to retain the historical heritage of the Columbia River Gorge, it must be remembered that the earliest white man's activities of any significance in the Gorge centered around logging and lumber production. It has long been a component in the Gorge's life style and economic base and any realistic extension into the future should retain that flavor. It should also be noted that members of the association for whom I speak have made long-term commitments and investments in the Columbia Gorge since the turn of the century in as much as many of the lands are producing their second forest. Stated another way, the outstanding forest land esthetic appearance of the Gorge today is a direct result of those efforts. WFPA and its members are sensitive to our many responsibilities in the Gorge including our role in the local economy and the high level of dependency of the area communities and citizens for economic well being; our environmental responsibilities; our obligations to our public stockholders.

When examined today, even in the difficult economic period before us, commercial forest management and wood processing continue to be an economic mainstay within the Gorge. It should also be noted that while commercial forest management is a key economic component in the Gorge community, the timber resource also supports a number of processing facilities elsewhere. In total there are some 25 saw mills, plywood, and pulp and paper plants located in Clark, Skamania, and Klickitat Counties. Many of these are located directly in the Gorge itself. These mills are dependent in varying degrees on the commercial forest base located within the proposed scenic management areas. Direct forest products industry employment in the Washington portion of the Columbia River Gorge has been typically around 3,200 individuals. With the service and trades employment multiplier applied, the figure could rise to high as 10,000 individuals. It becomes apparent that many of the Gorge's local communities are today heavily dependent on the area's forest products industry. It also becomes obvious that if legislation is considered which purports to retain the historical heritage of the Gorge, it must deal rationally with the existing forest products industry in the Gorge or the legislation, well intended though it might be, could produce economic devastation for the 40,000 Washingtonians who now live and work there.

PRESENT FOREST PRACTICES ACT JURISDICTION A MUST

In the process of managing the privately owned timberlands in the Gorge, we're no longer harvesting a heaven-sent inventory (mining wood as it were), but we are farming. Any timber harvested on the private lands in the Gorge area now or in the future will have been planted by man, managed by man through its entire life cycle up until its harvest point. Because of the long-term nature of the investment and the cumulative effect of even small regulatory expenses imposed early in the growth cycle, it should be understandable why we private forest landowners are very sensitive to regulatory and statutory changes in management practices over the life of the stand. We are currently operating in Washington State and Oregon also under two of the most stringent forest practices acts in the United States. They deal substantively and directly with mandatory reforestation within a fixed period after any harvest, road construction standards, specific treatment of lands adjacent running waters, and even such items as herbicide application, etc. These acts, having been in place for more than 10 years, have demonstratively changed forest practices in these states for the better. The level of environmental concern of forest managers in both states has been upgraded. Has it achieved the ideal? Of course not. In any economic or societal group, there will always be a small percentage of those who are slow to get the word. One has only to compare forest land management in these two northwest states with the standard that is acceptable in a neighboring province just north of us, however, to have visual proof that for us "it's working." We're accustomed to operating our timberlands under these regulations and understand clearly what the rules of the game are. WE, THEREFORE, MUST INSIST THAT ANY COLUMBIA GORGE LEGISLATION INCLUDE WITHIN ITS PROVISIONS, A CLEAR STATEMENT SPELLING OUT THE CONTINUED JURISDICTION OF THE STATE FOREST PRACTICES ACT OF OREGON AND WASHINGTON OVER TIMBERLANDS IN THE PROPOSED SCENIC AREA OUTSIDE THE SPECIAL MANAGEMENT AREA. THIS WILL ENSURE PROMPT REFORESTATION, MAINTENANCE OF WATER QUALITY, APPROPRIATE TREATMENT OF NESTING SITES FOR EAGLES AS AN EXAMPLE, AND STILL PERMIT THE OPPORTUNITY FOR CONTINUED FOREST PRODUCT OPERATIONS IN THE COLUMBIA GORGE AREA.

In addition to these two most stringent forest practices act to the nation, as an industry we must also comply with some 35 other federal and state statutory requirements. These include in Washington a state shorelines act, a hydraulics act, smoke management requirements, reforestation requirements, water quality requirements, fire prevention, local land use requirements, etc. Stated another way, there are in place now on the private forest lands of both states (with the Gorge included in this category) a vast panoply of statutes and regulations that deal with almost everything we do. The old days of "cut-and-run--rape-and-pillage" are gone. Because we are long-term farmers now rather than miners, we approach our stewardship as land managers and crop growers, rather than as tree cutters who are just passing through. Our only asset is land on which we are able to grow a crop. We'd be fools to mismanage it in such a way that it is not possible to follow one crop immediately with another. It is this drive which sets the stage for the highest likelihood of maintenance of the present character of the Columbia Gorge--a heavily forested area of unique scenic significance. It would be tragic indeed if Columbia Gorge legislation were to take such a heavy-handed approach to the management of the private timber lands in the proposed scenic areas (outside the special management areas) that it became economically impossible to continue them as the managed forests we now know. Were these lands then converted to some other use because of the inability to operate them under onerous regulatory proscriptions, the very measure that sought to protect them would have been the lever that forced the change, and in the process completely and negatively altered the entire character of the Columbia Gorge. It is for this reason, among others, that we insist that the present forest practices act remain the management standards for the private timber lands in the proposed scenic areas outside the special management units.

For this reason that we are suggesting the following amendment dealing with Section 17, Subsection (e) on page 53 of the bill. Delete the existing subsection (e) and insert the following in its place:

> (e) Except for the management, utilization or disposal of timber resources on non-federal lands within the Special Management Areas, Congress does not intend that the establishment of the Scenic Area and designation of Special Management Areas impair or alter in any way the management or utilization of forest lands and disposition of timber resources on forest lands permitted by existing law in the states of Oregon and Washington, which laws shall continue to control forest lands. Nothing in this Act shall be construed to affect or modify the rights and responsibilities of non-federal forest owners under the Oregon and Washington Forest Practices Act, or any county regulations which under state law supersede such acts.

This change is to strengthen the savings clause in having Congress express the intent that state law will govern forest practices, except as to the Special Management area; and pick up the language in other savings clauses which avoid possible contrary "constructions" of the Act.

Senator EVANS. That would be very helpful.

Mr. Bob Chamberlain.

STATEMENT OF ROBERT L. CHAMBERLAIN, FORESTER, SDS LUMBER CO., BINGEN, WA

Mr. CHAMBERLAIN. Thank you, Senator.

My name is Bob Chamberlain. I am the forester for the SDS Lumber Company, a privately owned timber company that was started 40 years ago in Bingen, Washington. We have plants in Bingen and Cascade Locks, OR, and manufacture plywood, lumber, and pulps chips. We employ over 300 people in these mills and logging operations, in addition to contractors and others who sell their logs to us.

I have been their forester for over 30 years, and my professional career since graduating from the New York College of Environmental Science and Forestry at Syracuse University has been managing their forests in and near the Gorge area and purchasing and administrating national forest sales.

We are not in favor of any bill that brings more Federal control into the Gorge. It will be expensive in resources, money, and time. It will bring unnecessary involvement of the Federal Government into people's personal lives, their property, and their communities' economic viability.

However, this legislation has been introduced, and its effect on the forest and the mills in the gorge is extremely important. As my part of this panel, I will address only two of many concerns—timber and rock.

First, continued practical forest management in the proposed scenic areas, outside the special management areas, is dependent on having the same opportunities as other forest landowners in the States of Oregon and Washington. We must be able to manage our forests under the forest practice acts of these two States. Any curtailment of equal management would be a taking of our rights. If these rights are not protected by a strongly worded savings clause expressing congressional intent, then the commercial forest areas should be left out of the scenic area or be exchanged or purchased.

Second, practical rock sources within the proposed scenic and special management areas must be available for constructing and maintaining a year-round forest road system.

In addition to this forest resource, it is extremely important that various sizes and grades of rock for continued construction and improvement of mill facilities be available. Without adequate sources of rock, which exist now but will not last forever, plant facilities, roads—both public and private—sorting yards, parking areas and other improvements will not begin or continue without economical and usable rock sources.

These rock sources are currently available under the forest practice acts on forest lands or through permits controlled by the counties and State on other public and private lands in the Gorge.

Our natural resources are vital to us. We have already lost resources due to withdrawals on public and private lands and are threatened with further loss as this trend continues.

We think that these resource lands in the scenic area are headed for control by others that will deny their full use to us. We believe they should be left under current State and county laws that govern their use or be included in the special management areas, subject to exchange or purchase.

Thank you.

Senator EVANS. Thank you.

Blake Rowe.

STATEMENT OF BLAKE ROWE, ASSISTANT TO VICE PRESIDENT, TIMBER, LONGVIEW FIBER CO., LONGVIEW, WA

Mr. ROWE. My name is Blake Rowe, and I am assistant to the vice president, timber, for Longview Fibre Co.

The section of S. 2055 that I would like to address relates to land acquisition, more specifically forestland exchanges.

The landowners and associations represented by this panel concur with the principles in the proposed legislation relating to land exchange. We strongly support the use of exchanges to acquire private and State-trust forestland within the special management areas. However, we believe the exchange provisions must be clarified and strengthened.

The changes we propose in section 9 of the legislation are contained in our written material submitted for this hearing, titled "Forest Landowner Coalition Proposed Amendments. 'Our recommendations address the following general concepts:

First, land exchanges may cross State lines. Numerous landowners in the proposed scenic area own lands in both Oregon and Washington. One balanced value for value exchange per owner is difficult enough without having to ensure that the portions of each exchange in each State are also balanced. Exchanges involving the SMA lands will inevitably change many owners relative mix of ownership in each State. Flexibility in developing these exchanges is critical; therefore, we propose language to allow exchanges across State lines.

Second, the exchanges authorized and developed under this act should be exempted from the seemingly endless planning and review processes encompassed in the National Environmental Policy Act and other similar statutes. We believe it is fair to expect timely exchange of our property in the SMA's without long drawn out administrative appeals and legal challenges.

We propose language stating that exchanges authorized by this legislation satisfy the requirements of NEPA and these other acts and that the exchanges will be exempt from review and challenge under their provisions.

Third, the identification of a specific pool of acceptable Federal lands from which exchanges can be developed is essential. Several of the larger landowners in the SMA's, with the aid of the U.S. Forest Service, are compiling a pool of specific candidate Federal lands from which exchanges can be developed. We propose language to specifically list these lands in the legislation.

Additional lands will be required because many owners are not represented on this list. We suggest that an additional provision be developed to allow other lands to be added to the pool later as these other owners identify acceptable exchange parcels.

Fourth, we do not believe it is fair for landowners in the SMA's to bear the costs of land exchanges that would not be undertaken or required in the absence of this legislation. We request that additional language be developed to require that all acquisition and exchange costs will be paid for by the Secretary of Agriculture.

Thank you for your consideration of these points.

[The fact sheet submitted by Mr. Rowe follows:]

Columbia River Gorge industrial forest landowners fact sheet—June 12, 1986

Companies represented	8
Total acres in S.B. 2055	30,476
Scenic area acres	12,857
Special managemeent acres	17,239
Urban acres	380

There are also 7,544 plus acres of contiguous lands that may not be accessible or may be unmanageable without further consideration.

Industrial forest landowners ownerships by county within S.B. 2055

[Acres]

Washington State:	
Clark	0
Skamania	20,519
Klickitat	2,460
Total	22,979
Oregon State:	
Multnomah	2,972
Hood River	3,993
Wasco	531
Total	7,497

Proposed additions and deletions

[Acres]

Additions:	
SMA's	360
SA's	0
Urban	100
Deletions:	
SMA's	2,970
SA's	396

Senator **Evans**. Thank you very much.

Let me go back to a few questions on the references to the Forest Practices Act which were made.

Mr. Bledsoe, you suggested continued management of the Forest Practices Act. When we are talking about a sensitive scenic area like this which depends on the views and vistas and the fact that certain portions will be under SMA's where they will clearly have special consideration but other areas perhaps wooded, perhaps commercial forest land, will still be part of the open vista, what in your view would be the way in which timber harvest would be carried out in those areas under the existing Forest Practices Act, taking into consideration the kind of territory we are talking about?

Mr. **Bledsoe**. First, it requires a mindset which I think I can assure you, dealing with the people who are actually managing timber commercially in the gorge now, you are dealing with a special area which requires the implementation of several advanced foresting techniques—i.e., a quick reforestation with plants that come out of the nursery 2 years of age; so in other words, your turnaround from harvest to regeneration is accelerated.

Second, there can be leave-strips along some of the roads and corridors where the visual impact might be such that it is going to be an onerous burden, provided that you can also handle another hazard that does exist there, the high winds. Leave-strips, if they are not windfirm, are just potential blowdowns. So it is, again, a balancing act.

But there are many things that can be done and are contemplated in the work plans of Cavenham and the other commercial foresters who would remain in the area—i.e., putting the sides of their clearcuts on contour and things of this nature so that it preserves as much of a natural status as is possible.

It would be ironic, sir, if the provisions managing the scenic areas outside the special management areas were so constructed in the Federal statute that they became so onerous in the economic impact of compliance that the existing landowners who have appeared before you here were forced, by costs that they could not support, to convert these lands to other uses, to put them on the market, in other words.

At that point the best friend that the gorge might have for its continued existence in its presence status—i.e., the commercial timber operation with sensitive stewardship in the areas outside—the best chance of maintaining the present character of the gorge would disappear. That would be unfortunate.

I could submit, sir, that it is possible, under the existing Forest Practices Act, the Shorelines Management Act, the zoning ordinances of the counties, et cetera, that the lands can be maintained in a very decent status, particularly with some organized body to oversee the whole thing.

Senator **Evans**. Let me turn to Mr. Chamberlain, then. How about the Forest Practices Act as it would apply in your view and what requirements would be placed on rock quarrying and that element? You mentioned both timber and rock. We have heard about timber. How about rock?

Mr. **Chamberlain**. Well, Senator, the rock sources needed for the management of the forest—their size and their distribution—is such that they are fairly well spread over the forest. We have been using every part of the Forest Practices Act to manage our forest, all the way from thinning through brush disposal and regeneration, to final harvest and regeneration, regeneration being our most important task.

We would like to be able to accomplish this through all the seasons of the year, because our needs are such that our log supply may be critical to us when we cannot get up into the higher elevations where much of our logs come from.

The rock sources that we developed and other landowners have developed within the forest, I do not believe are objectionable. Rock is where you find it. The grades of rock vary. We have a rock pit that we use for coating heavier rock that comes from outside the gorge; but the fine rock, the traveling rock, which is used about a third or quarter to the total use of the rock in one area comes from a pit that is acceptable.

We have been working within the framework of the forest. Commercial rock around the communities is another matter. Those communities and the mills and the other businesses and the development of recreational opportunities, other commercial opportunities, are dependent upon the rock sources that are adjoining to the gorge.

Much of the comments have been that you can use rock from behind the gorge. Well, rock does not exist behind the gorge, nor is it economical to remove that rock nor is the rock suitable for the uses that are necessary.

Senator EVANS. In the Forest Practices Act, it put requirements on screening and getting away from visual sighting of the rock quarries from roads or from scenic vistas?

Mr. CHAMBERLAIN. I do not believe there is any wording that addresses itself to that. However, most of the rock sources are screened or are in view only for seconds at a time because of their size. Now, rock cuts along highways and along other public roads and what have you are a little different matter. But in the forest they are not seen for very long.

Senator EVANS. Mr. Rowe, you want interstate exchanges. Is there any danger if we move to interstate exchanges that we are going to get land exchanges that would in some way distort the available timber supply from forest to forest, giving some forests maybe more than they had, other forests a whole lot less? This might occur outside the State where people do not feel they have any significant involvement in the Columbia Gorge but might get either adversely affected or I suppose they would not claim much if they were beneficially affected. Could that happen?

Mr. ROWE. When we are talking about State lines, it is only Washington to Oregon or Oregon to Washington, only those two States.

Senator EVANS. OK.

Mr. ROWE. I suspect when all of the landowners have responded, you will see somewhat of a scattergun approach. The landowners seem to be going in any different number of directions in that they may have a mill in a totally different location down in the Salem area out on the Coast and when they are moving out of the gorge, they are going in all directions in picking that land. So I do not think there will be a substantial impact in any one place.

Senator EVANS. We thank you very much and we are going to, on behalf of the poor professional wordsmith over here, take a 5-minute break. She has been working constantly without break all day long. I do not know how you do it, but we will take a 5-minute break and give you a little rest here.

Thank you very much.

[Recess.]

Senator HATFIELD [presiding]. The committee will come to order.

While we are determining, if we have a vote, I would like to invite the next panel, Mr. Joseph Wrabek, Ms. Cheryl Trent, Mr. Bill Birkenfeld, Mr. David Aldridge, Dr. Helen Paulus, Mr. Esson Smith, and Mr. Ben Parks, if they would, to come to the table.

Then I would like to invite the following panel to position themselves immediately behind the table so as to be in place to come next: Mr. Pat Bleakney, Mr. Ed Boyle, Mrs. Marvin Jemtegaard, Mr. Everett Clymer, Mr. Donald Stevenson, Mr. Ed Cleveland.

If you will excuse me for just a moment, I will go vote and come right back.

[Recess.]

Senator **Hatfield**. Mr. Wrabek, please begin.

STATEMENT OF JOSEPH T. WRABEK, COLUMBIA GORGE UNITED, CASCADE LOCKS, OR

Mr. **Wrabek**. Thank you, Senator. I am Joe Wrabek. I am an elected city councilmember from Cascade Locks, OR, and I am executive director of Columbia Gorge United: People Opposing Federal Control.

I live and work in the gorge, and I have seen how the climate of fear, engendered by the threat of Federal control legislation has depressed property values, encouraged a population and commercial exodus, escalated unemployment, dried up financing, and scared off every new employer we have tried to attract to the gorge for the past 3 years.

In Washington, DC, we are told these fears are unfounded. At our end of the country, we have seen as bystanders the head-em-up-and-move-'em-out philosophy that has pervaded the National Park and U.S. Forest Services since large volumes of off-budget land acquisition moneys began to be available 20 years ago.

We are no more inclined to be trusting of the Federal Government than we are of any other big land developer coming to us with a long history of broken promises, failed projects, and destroyed communities and telling us, Trust me; this time it will all be different.

This legislation will be expensive for you and for us, even under the best of conditions.

Before this ill-conceived project is allowed to proceed any further, we recommend an economic impact statement to elicit the actual cost to the Federal treasury of adding these extra 510 square miles to the National Forest System. Both the out-front costs of land acquisition, exchanges and relocation payments, and the continuing outlays for planning, maintenance, administration, and enforcement.

We recommend your analysis also address the effect on us who will be the unwilling inmates of this Federal enclave. Tally up, please, the cost to our tax bases, the removal of private and public timber from production, the populations encouraged to vacate by higher taxes, disappearing jobs, heavier-handed regulations, and your standing offer to buy out all hardship cases.

Put a dollar value on communities left less attractive, less desirable places to live in or visit, and unable to keep up infrastructures designed for larger populations, or to handle additional visitors.

We do not think we can afford this legislation, and we do not think you can, either. We have tried to tell you this for 3 years. What we hear in reply is: "Trust me."

Gentlemen, this bill is a solution in search of a problem. Its sole justification is a lack of faith that a local population, left to govern themselves, will continue to be appreciative and protective of their environment in their own self interest without the whip, the prod, and the brand of the Federal Government. We appreciate your concern, but the Gorge will do OK without Federal control. Trust us.

Senator HATFIELD. Thank you very much.

Mrs. Trent.

[The prepared statement of Mr. Wrabek follows:]

WRITTEN STATEMENT
of
JOSEPH T. WRABEK
Executive Director, COLUMBIA GORGE UNITED
before
U.S. SENATE ENERGY & NATURAL RESOURCES COMMITTEE
Subcommittee on
Public Lands, Reserved Water & Resource Conservation
regarding
S.2055 (COLUMBIA RIVER GORGE NATIONAL SCENIC AREA ACT)

17 June 1986 -- Washington, D.C.

Gentlemen:

Permit me at the outset, since there will not be time to do so on the stand, to thank you on behalf of our panel and the folks back home we represent for the opportunity to appear before this body to explain our concerns about this controversial and precedent-setting "National Scenic Area" bill.

I'm an elected city councilmember from Cascade Locks, Oregon. My city government has been directed repeatedly by an overwhelming percentage of our constituents to do everything in our power to prevent enactment of Federal-control legislation.

I am executive director of COLUMBIA GORGE UNITED--People Opposing Federal Control. CGU is the Gorge-wide coalition of governments, organizations and individuals which was formed 3 years ago to serve as an information clearinghouse on Federal-control legislation and to coordinate the efforts to defeat it.

Lastly, I live and work in the Gorge, and I have seen how the climate of fear engendered by the threat of Federal-control legislation has depressed property values, encouraged a population and commercial exodus, escalated unemployment, dried up financing, and scared off every new employer we have tried to attract to the Gorge for the past 3 years. We are concerned that enactment of this "National Scenic Area" legislation will make our present depression permanent--or worse still, kick the Gorge into an economic death spiral from which it would have no hope of recovery.

In Washington, D.C., we are told these fears are unfounded. At our end of the country, we have seen as bystanders the "head-'em-up-and-move-'em-out" philosophy that has pervaded the park operations of the National Park and U.S. Forest Services since large volumes of off-budget land acquisition monies began to be available 20 years ago. We live in the shadow of Mt. St. Helens, of Lake Chelan, of Conboy Lake, of Hells Canyon--the last, a place the Portland Oregonian described as "like visiting a recently deserted planet; signs of the former inhabitants are everywhere." We are no more inclined to be trusting of the Federal government than we are of any other big land developer coming to us with a long history of broken promises, failed projects, and destroyed communities, and telling us, "Trust me--this time it'll all be different."

This legislation stands to be very expensive, both for you and for us. Even under the best of conditions--if the Forest Service is somehow able to accomplish within 3 short years the intricate exchange of all Washington State and corporate timberlands, and if this Federally-created and Federally-controlled "bi-state" commission is somehow able to survive a test of its doubtful constitutionality--the $35 million suggested will still not suffice to acquire the one out of every three acres of private land the Federal government is authorized to take off the tax rolls.

In a worst-case scenario, the Forest Service will have to assume all the planning, regulatory, administrative, enforcement, and land acquisition costs of that "bi-state" commission, which the legislation is trying to foist upon the affected states and counties. The legislation states those jurisdictions "lack sufficient resources" to do a satisfactorily coercive and confiscatory job. Do not be surprised when the job--and the cost--lands back in your lap.

Before this ill-conceived project is allowed to proceed any further, we recommend an economic impact statement to elicit the actual cost to the Federal treasury of adding these extra 510 square miles to the National Forest system. Both the out-front costs of land acquisition, exchanges and relocation payments, and the continuing outlays for planning, maintenance, administration and enforcement which you will have to assume in perpetuity if you intend to do as good or better a job of managing the Gorge as we who presently live there and own and control the land.

We who are accustomed to balancing budgets on a daily basis would be happy to assist your study.

We recommend your analysis also address the effect on us who will be the unwilling inmates of this Federal "scenic" enclave. Tally up, please, the cost to us of shrunken tax bases, of the removal of private and public timber from production, of populations encouraged to vacate by higher taxes, disappearing jobs, heavier-handed regulations, and your standing offer to buy out all "hardship cases". Put a dollar value on communities left less attractive, less desirable places to live or to visit, unable to keep up infrastructures designed for larger populations, or to handle the additional visitors we're told are bound come as soon as the Gorge is "safely" under Federal control.

We don't think we can afford this legislation, and we don't think you can, either. We've tried to tell you this for 3 years. What we hear in reply is, "Trust me."

Gentlemen, this bill is a solution in search of a problem. Its sole justification is a lack of faith that a local population, left to govern themselves, will continue to be appreciative and protective of their environment in their own self-interest, without the whip, the prod and the brand of the Federal government. We appreciate your concern, but the Columbia Gorge will do okay without Federal control. Trust us.

Senator **Hatfield**. Thank you very much.
Mrs. Trent.

STATEMENT OF CHERYL STEVENSON TRENT, WASHOUGAL, WA

Ms. **Trent**. My name is Cheryl Stevenson Trent. I came from Washington. I might add that I am also president of the Stevenson Heirs, Inc. I am here because of my concern over Senate Bill 2055. I think on a national level this bill is not only unnecessary but ultimately very expensive to the American taxpayers.

On the State level, the State of Washington cannot bear the added expense that S. 2055 would entail. The cost of management, coupled with lost revenues, will affect all of Washington State, not just the Columbia Gorge.

On a county level, Skamania County, as I know it, will not longer exist. The combination of lost timber revenues, land removed from the tax rolls, and lost people as our land and jobs disappear, will devastate the Columbia River Gorge.

On a purely personal level, it is my fervent wish that this bil never be enacted. My rights and my land mean a great deal to my family and I. We do not think of our home as a house in a suburb that you sell in 3 or 4 years to get a better address. We have lived on our land since my great-grandfather homesteaded it in 1857. As a matter of fact, we are the oldest family still owning their homestead in Washington State. I am the fifth generation of my family to live on my land and I had always hoped that my children would be the sixth.

I have taught my children to obey the law and to respect the people that represent that law. When the Gorge legislation began to grow in momentum, my 7-year-old son told me not to worry; we would simply call the county sheriff and he would tell those people to leave us alone. It was difficult to make him understand those very county police would have to enforce the laws that these people want.

And I might add that our land has always been open to fishing. We have the best fishing hole, or one of the best, on the Columbia River, and it has been open to the public forever.

One of the really disturbing things about this issue is what it is teaching our children about how the American government really works. I have been here a week, talking to everybody that I could talk to, as you can tell from my voice, and I found that more and more people say their biggest criteria is you do not touch a Senator's bill that is in his own land or his own State, whether or not they believe it has merit.

There is a sign 2 miles west of Stevenson, WA, that tells of another dispute over lands in the Columbia Gorge. It reads in part:

> Here at the upper end of the former Cascade Rapids, grew the town called Upper Cascades, Washington. This is where the early pioneers reassembled their wagons after rafting down the river from The Dalles, Oregon. Because their life-style was threatened as their lands were confiscated, the Indians, in desperation, attacked the hamlet on March 26, 1856.

I would hope the U.S. Government has learned in the past 130 years some lessons. In light of the likely cost and the radical effect of S. 2055 will have on people, I ask you to order an economic impact statement before you take any action on this bill. This legislation would change our homes and our lives forever. Please try to get all the information you can before you make any decision. We in the Gorge who will have to live with the effects and your constituents nationwide, who will have to foot the bill for it, deserve at least that much.

Senator **Hatfield**. Thank you, Ms. Trent.

Mr. Birkenfeld.

STATEMENT OF BILL BIRKENFELD, PRESIDENT, WIND RIVER LOGGING CO., CARSON, WA

Mr. **Birkenfeld**. Thank you, Senator. My name is Bill Birkenfeld. I am a timberland owner and co-owner and president of Wind River Logging Co., which has its corporate offices 11 miles north of the village of Carson, Washington in Skamania County. Our immigrant dad came to the United States in 1923 and started this logging and lumber business in the county in 1936. Both of our sawmills burned down in the early fifties. Since Dad decided not to rebuild the mills, the forestry was intensified from this time on. We have continued this objective in our effort to grow and harvest our 60- to 70-year-old crop.

This 6,000 plus acres of timberland owned by the Birkenfeld Trust in the Columbia Gorge is predominantly Douglas Fir with some White Fir, Hemlock, Cedar, Alder and Maple. We plant 100 to 150,000 2- to 3-year-old Douglas Fir seedlings on our property per year.

We harvest between 6 and 10 million board-foot per year from our stands. Most of our harvesting consists of cat and skidder logging in a thinning-type operation. We also have a smaller yarder tower which we clear cut or selective corridor hi-lead log with. We are a completely integrated logging outfit. Our two crews, consisting of 22 people, do all the work from the stump to the dump. The only outside services that we hire are the land surveying and the 10 to 20 middle schoolers at spring vacation to help plant our seedlings.

The products that we produce off our timberlands are saw logs, telephone poles and electrical transmission poles. The saw logs are sold locally or exported, depending on consumptive need and price per year. When the saw logs are sold locally, they are made into construction grade lumber or made into a metric lumber by a local sawmill in Carson and then sold overseas.

Our telephone and transmission pole stock is treated in the United States and sold throughout the free world. All of our exports—be it logs, poles, or piling—contribute to the reduction in the U.S. world trade deficit.

We are against this legislation for many reasons, one of them being that the threat of this legislation has cost Skamania County 105 jobs in the last 4 years.

Wind River Logging was approached by a world wide firm to build a wood-related plant on our property in Skamania County. We were turned down on the loans from two banks because of the threat of this legislation. We have done business with one of these banks for 50 years and the other for 36. The threat of this legislation now stymies any growth or borrowing power for any companies from our local banks. That is another way of slowly killing our community.

The Friends of the Gorge will tell you of their urban horror stories. But what they will not tell you is that the timberland owners offered never to put their timberland holdings into a subdivision classification, therefore eliminating the urban home construction on 65 percent of their land in the county. The timber companies only wanted to log their properties.

The mention of the $35 million to buy the 270,000 acres in the county is crazy. We are against this legislation for all the harm it will bring to the Gorge area and the 50,000 people living in it. We feel we are good stewards of the land and we will continue to be such that we do not need this legislation nor want it.

Senator **Hatfield**. Thank you very much.

Mr. Aldridge.

STATEMENT OF DAVID L. ALDRIDGE, VICE PRESIDENT, COLUMBIA GORGE UNITED, THE DALLES, OR

Mr. **Aldridge**. I am David Aldridge, vice president of Columbia Gorge United, people opposing Federal control. And I am a resident of The Dalles, Oregon, which is located on the east end of the Columbia River Gorge, where 40,000 people reside. The purported purpose of this National Park or Scenic Area bill is to halt rampant, uncontrolled development in the Gorge. We really ought to deal with facts and reality in looking at this issue rather than opinion and unsupportable claims. In fact, from what I have heard previously in testimony, some hysterical claims.

The economy of the Columbia Gorge has been discussed quite at length. I will just add that the city of The Dalles port district—the people of The Dalles voted in $4 million in bonds to prepare some land to encourage and entice development industry into The Dalles to replace their aluminum plant, which we lost. That $4 million has now been spent. We have the land sitting there with little hopes of attracting anyone because industry that is responsible would not move into an area with this kind of legislation, either threatening to be imposed or actually imposed.

I presently drive about 200 miles round trip to work in Portland just for a livelihood. That is not all bad. It gives me an opportunity to enjoy the drive up and down the Gorge several times a week and also chronicle the changes that take place. About the only changes I have seen over the last few years are rusting For Sale signs sitting out in yards where people desire to sell their property, but there is not much desire for purchase. In fact, you can count the number of new homes that have been built on your fingers and toes with some left over.

If someone did want to build a new home or business, Oregon has the most restrictive zoning laws in the Nation. And every county in the Gorge has zoning laws in place.

I would like to quote Governor Atiyeh and I share his concern when he says I do not want future generations to learn of the beauty of the Gorge from coffee table picture books. I share that concern, and I also have a coffee table picture book here, the pictures of the Columbia River Gorge from the 1860's and 1870's. If you look through this book and look at the condition of the Gorge in that era over a hundred years ago, it would hardly qualify for a park and national scenic area.

The awesome beauty of the Gorge is largely the result of the love and the labor of the local residents, the caretakers of the land. The Gorge is an agricultural-based economy and the people are very reluctant to change. Many families have nurtured that land for several generations. I think this bill is a insult to their intelligence and the industry.

Now we are told, to our horror, by John Stevens of Senator Packwood's office that the intent of the Columbia Gorge Development Corporation provision in the bill is to promote development in the Gorge, specifically resorts. Consistency does not seem to be one of the more prominent attributes of this bill. Which is the purpose of the bill, to prevent development or to promote development?

If I could quote a wise man who said just this morning: More mistakes are made by acting in haste than by using opportunities for delay. That was Senator Packwood. But it seems that we are using haste to try to push this bill through and Governor Atiyeh mentioned in his testimony this morning or it was mentioned that he had a great desire to see this passed before he left office this coming January.

It seems incredible to me that a project of this magnitude and far-reaching effect would be proposed without a cost-benefit analysis and economic impact statement. I implore you to take no action on this bill until these studies are completed. In view of the precedent-setting nature of this bill, creating a new category of legal confiscation, please direct your concern to the citizens and taxpayers of the United States, to whom you owe your first allegiance.

In summation, the private landowners are managing their 60 percent of the Gorge very well, at no cost to the Federal Government. Please use the American taxpayers' hard-earned millions for something needful and productive. Let the Gorge property owners keep their property. And let the Friends of the Gorge build their resorts with their own money.

Thank you for the opportunity to comment. It is this opportunity for free speech that keeps this Nation great and free.

[The prepared statement of Mr. Aldridge follows:]

Testimony
of
David L. Aldridge
Vice President of Columbia Gorge United
before
U.S. Senate Energy and Natural Resources Committee
Subcommittee on Public Lands, Reserved Water, and Resource Conservation
regarding
S2055 Columbia River Gorge National Scenic Area Act

June 17, 1986, Washington, D.C.

I'm David Aldridge, Vice President of Columbia Gorge United, and resident of The Dalles, Oregon, located on the East end of the Columbia River Gorge, where 40,000 people reside. The purported purpose of this National Park/Scenic Area bill is to halt rampant, uncontrolled development in the Gorge. We should deal with facts and reality rather than opinion and hysterical, unsupportable claims. The economies of all the six counties and twenty-three communities within the Gorge have been declining for the last several years, with official unemployment rates currently as high as 35.7%, and population declines up to 15%. I presently drive 200 miles round trip to work in Portland to provide a livelihood for my family. In this economic climate, the industrial growth has been a huge negative factor and the number of visible new homes built can be counted on your fingers and toes, with some left over.

So much for what's actually happened; let's talk about a "what if" development. If someone DID want to build a new home or business, restrictive zoning laws are in place in every county. Oregon Land Use laws are dictated by the state and are the most restrictive in the Nation. The few subdivisions that have been proposed in Washington State, no matter how well-planned, have been REJECTED at one of the several levels of approval they must clear. These constraints have been imposed by the local residents upon themselves, and although they often find them difficult to deal with, it's their way of controlling any potential growth and the change they so much dread.

The awsome beauty of the Gorge is largely the result of the love and labor of the local residents, the caretakers of the land. The Gorge is a predominatly agricultural-based economy and the people are very reluctant to change. Many families have nurtured their land for several generations.

Now we are told, to our horror, by John Stevens of Senator Packwood's office that the intent of the Columbia Gorge Development Corporation provision in the Bill is to promote development in the Gorge, specifically, RESORTS !

Consistency does not seem to be one of the more prominent attributes of this Bill.

Which IS the purpose of the Bill... to PREVENT development, or to PROMOTE development ?

It seems incredible that a project of this magnitude and far-reaching effect would be proposed without a cost/benefit analysis and ECONOMIC IMPACT STATEMENT ! I implore you to take no action on this Bill until those studies are completed. In view of the precedent-setting nature of this Bill, creating a new category of legal confiscation, please forego the customary "Senatorial Courtesy" on this issue, and rather give courtesy to the citizens and taxpayers of the United States, to whom you owe your first allegience.

The private landowners are managing THEIR 60% of the Gorge VERY well, at no cost to the Federal Government. Use the American Taxpayers' hard-earned millions for something needful and productive; let the Gorge propertyowners KEEP their property; and let the "Friends (?) of the Gorge" build their resorts somewhere else !

David L. Aldridge

David L. Aldridge
605 East 11th Street
The Dalles, Oregon
97058

SUGGESTED QUESTIONS TO BE ADDRESSED IN ANY ECONOMIC IMPACT STUDY OF THE "COLUMBIA GORGE SCENIC AREA" LEGISLATION:

1. How many private parcels are in a) Scenic Area? b) the special management areas?

2. What is the assessed value versus the true market value?

3. What is the total market value of purely residential properties (no business nature at all) versus the total value of production properties (commercial, agricultural, and home business)?

4. How would the counties' tax bases be affected by the loss of private property in the Scenic Area through government purchase, condemnation, or land exchanges?

5. How would private property market value be affected by

   a) increased restrictive regulations on use?

   b) long-term delays and controversy in the regulation-writing and commission-formation process?

   c) the fear of land condemnation?

   d) government purchase of scenic "easements"?

6. What prognosis is there that designated "hardship cases" (property severely impacted by the federal Scenic Area presence) could be or would be purchased by the agency at former true market value, given the present backlog of over $1 billion dollars worth of "hardship cases" yet to be appropriated or approved.

7. What effect would a highly restricted, adversarial atmosphere in the Gorge have on future growth and investment within the "exempted" urban areas, taking into consideration that land use planning within the "exempted areas would be required to meet certain compatibility standards" with the Scenic Area legislation?

8. How effective would development bonds be in stimulating tourism given a limited 3-5 month tourist season, coupled with a potential for at least 9 months of unfavorable weather?

9. What would be the impact on the "exempt" urban areas if the productive properties in the non-exempt areas begin leaving a hostile regulatory atmosphere?

10. What would be the impact if Hood River's only rock quarry is shut down through this legislation?

Senator HATFIELD. Thank you, Mr. Aldridge. And your questions will be a part of your testimony.

Dr. Paulus.

STATEMENT OF DR. HELEN PAULUS, PRESIDENT, UNDERWOOD COMMUNITY COUNCIL, UNDERWOOD, WA

Dr. PAULUS. Thank you.

I love the gorge so much, I took my life savings and bought a house in the gorge. I do not merely visit the area once or twice a year; I am there every day. I am president of the Underwood Community Council and a member of the Skamania County Planning Commission.

Prior to moving to the gorge, I had heard and read about the Friends of the Gorge organization and the push for Federal legislation to preserve the gorge area. I was all for it until I lived there awhile and became aware of what was fact and what was fiction.

In the past 3 years, I have been a keen observer of the major pushers behind gorge legislation and their reasons for the need for the legislation. One reason given repeatedly is the lack of the zoning in Skamania County which, they say, will lead to uncontrolled development in the gorge. This is absolutely untrue.

Seven years ago the Skamania County Planning Commission initiated the process of building a zoning ordinance. We started the zoning long before any gorge bills were penned and long before anyone had heard of the Friends of the Gorge group. Most of the residents feel themselves to be the best friends of the gorge. Today we have an ordinance agreeable to the majority of the county residents. It is in place and is in fact a law. We are now in the process of implementing it.

I have heard many times that there will soon be uncontrolled development destroying the gorge. Again, wrong.

In the 1930's there was a push on to federalize the gorge, but the legislators were not fooled and stopped all such plans. In the Skamania County Museum, there are old tabloids and brochures warning about the soon-to-be destruction of the gorge which, of course, never happened. They were wrong then and they are wrong now. Why is this so?

The most rugged part of the gorge is about 80 miles long. It is a giant cut through the Cascade Mountain Range with a climate all of its own. For about 5 months out of the year, it is inhospitable to people and leaves little reason to come here. Many times in the winter the gorge is closed to passage on both sides of the river due to rock and ice slides. About 50 percent of the people who retire here leave after only a few years, due to the long icy winters and dangerous roads. Businesses have a terrible time surviving. For weeks last winter most gorge residents could not even use their driveways because of the deep snow and icy conditions.

I would like to paint a scenario for you. When the Government takes over, along with it will be promises of cheap money for investment, sort of a carrot on a stick deal. The smart ones will get the money and will then find out how difficult it is to run a business only 5 months out of the year and pay bills for 12 months. It has to be a tourist business because the legislation will slowly destroy our basic economic structure.

You do not need to swat this fly with a sledgehammer. The Federal Government already owns most of our county. It would be nice if you would do more than just listen. Please hear us, understand us, try to put yourselves in our position and act accordingly. Thank you.

[The prepared statement of Dr. Paulus follows:]

Dr. Helen Paulus
President, Underwood Community Council
Member, Skamania County Planning Commission
Star Route Box 162
Underwood, Washington 98651

I have lived in the Columbia Gorge for the last three years. This year I am President of Underwood Community Council and a member of the Skamania County Planning Commission.

Prior to moving to the Gorge, I had heard and read about the Friends of the Gorge organization and the push for federal legislation to preserve the Gorge area. I was all for it! All for it, that is, until I lived here awhile and became aware of what was fact, and what was fiction.

In my three years here I have been a keen observer of the major pushers behind Gorge Legislation and their reasons for the need for the legislation. One reason given, repeatedly, is the lack of zoning in Skamania County which, they say, will lead to uncontrolled development in the Gorge. This is absolutely untrue!

Seven years ago the Skamania County Planning Commission initiated the process of creating a zoning ordinance. We started the zoning ordinance long before any Gorge bills were penned and long before anyone had heard of the Friends of the Gorge group. Most of the residents felt themselves to be the best friends of the Gorge! Today we have an ordinance agreeable to the majority of the county residents. It is in place and has been adopted by county government. We are now in the process of implementing it.

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Why is this so?

The most rugged part of the Gorge is about 80 miles long. It is a giant, cut through the Cascade Mountain Range with a climate all its own. For about 5 months of each year it is inhospitable to people, and leaves little reason to come here. Many times in the winter the Gorge is closed to passage on both sides of the Columbia River due to rock and ice slides. About 50 percent of the people who retire here leave after a few years due to the long icy winters and dangerous roads. Businesses have a terrible time surviving. For weeks last winter most Gorge residents could not use their driveways because of the deep snow and icy conditions.

I would like to paint a scenario for you -----------

When the federal government takes over, along with it will be promises of cheap money for investment, sort of a "carrot on a stick" deal. The smart ones will get the money (already many are waiting in line) and then find out how difficult it is to run a tourist business only 5 months out of the year and pay bills for 12 months. It has to be a tourist business because the legislation will slowly destroy our basic economic structure. The tax-base will be diminished due to people moving out, or being forced out.

To believe that you can take over an area of this size, buy out large land holdings, side-step the small cities and towns, thinking that they will survive, is ridiculous!

The people who are pushing this legislation know very well the eventual outcome - - a Federal Park - used very little, but built on the backs of your fellow citizens. This Federal Park will eventually get a lot of good land "cheap", as the very existence of the Park will devalue the land to practically nothing. The residents will be robbed, just as if they lived under Communism, or a dictatorship.

I ask you to give us a chance - - - what is the hurry? Is there something special that you want protected? Let us know. We are listening! You do not need to swat this fly with a sledge hammer. The federal government already owns most of our county.

It would be nice if you would do more than just listen! Please hear and understand. Try to put yourselves in our position, and act accordingly!

Thank you.

Senator HATFIELD. Mr. Smith.

STATEMENT OF ESSON H. SMITH, TREASURER, COLUMBIA GORGE UNITED, STEVENSON, WA

Mr. SMITH. My name is Esson Smith. I reside at Stevenson, WA, in the heart of the Columbia River Gorge.

I recently read of a contest for children, as to what the Statue of Liberty meant to them. It was the consensus of opinion of all contestants that the statue meant freedom of speech, individual rights, the right to work and reside where one chooses.

I also recently visited the Cuyahoga Valley National Recreation Area and found the opposite to be true. The Federal Government, by creating the national recreation area, are taking away the very rights described by the children as to what the Statue of Liberty stood for. I understand it is the intent of the Government to return the Cuyahoga Valley back to its pristine state, as it was in 1804 when people first settled there and made it their homes.

I also understand that the Cuyahoga Valley Recreation Area is to be used as a pattern for the proposed Gorge National Scenic Area. The wanton waste of taxpayer dollars, backed up with the Government "No Trespassing" signs, is something you Senators would not want 3 million tourists that visit the Columbia River Gorge each year to see.

I ask you to do two things before any more action is taken on any gorge legislation. It is only good business to make an economic and an environmental impact statement before going ahead with any project. Find out what it is going to cost to remove all the people from the rural Columbia River Gorge area. Find out how this legislation will affect the local economy. Find out the amount of money that will have to be paid to local governments to offset the loss of revenue by removing property from the tax rolls. Find out if it is economically feasible to pass this legislation.

Next, I ask that you go to the Cuyahoga Valley as I did, and see for yourselves the terrific waste of money just to maintain the properties that have been taken away from their owners, see houses in a state of disrepair, which the tenants will not fix because the Government already owns them or will soon. See for yourself where the Government spent nearly $1 million to purchase a home and 76 acres. See for yourself a $280,000 mansion that now stands vacant on 7 acres of land.

The evicted residents paid their own maintenance costs, as is presently done in the Columbia River Gorge. Please vote no on all gorge legislation that would do the same thing to the gorge residents as was done to the residents of the Cuyahoga Valley.

Senator HATFIELD. Thank you.

Mr. Parks.

STATEMENT OF BEN PARKS, WASHINGTON REPRESENTATIVE, NATIONAL INHOLDERS ASSOCIATION

Mr. PARKS. I would like to thank the subcommittee for this opportunity to testify on S. 2055, a bill to create the Columbia Gorge National Scenic Area. My name is Ben Parks, and I am the Washington representative for the National Inholders Association. The

NIA has 13,000 members in 50 States and is the leading organization in the Nation which represents 1.2 million identified inholders. Our association represents families and individuals who own land or equity interest in land within or adjacent to the boundaries of federally managed areas. We actively seek to protect the rights of families and communities from unwise and unnecessary acquisition as well as the over-regulation that has tragically led to the destruction of small communities and rural lifestyles.

The NIA opposes the enactment of S. 2055 for the following reasons: There is no demonstrated threat to the area, absent a Federal designation.

There exist State and local government alternatives to Federal involvement.

This bill does not consider the culture and heritage of the area residents and contains no specific provisions for their protection.

Private conservation efforts through tax incentives and other forms of cooperation and self-regulation are not recognized and encouraged.

The designation is not for resource protection since there is protection through county planning councils and zoning in the gorge today. Polls of the populace within the proposed area and in adjacent communities and metro areas oppose Federal management of the gorge.

Congressman Bob Smith of Oregon opposes Federal control of the gorge in his district. Numerous local governments and community organizations have passed resolutions opposing Federal management of the gorge area. No economic impact study was ever done on the gorge area.

Not one Senate field hearing has been held on this bill to ascertain the reaction of the local residents to the proposal. The appropriation of $35 million for land acquisition, within the special management areas, comes to approximately $900 per acre for land and buildings. The approximate fair market value, for land in the special management area ranges from $1,000 to $22,000.

How much will it cost the Federal Government and the American taxpayer for planning, and planning assistance, commission operations, economic development, plan implementation and enforcement, land acquisition, and development of recreational and other public use facilities in the Columbia Gorge? The cost of establishing yet another Federal agency, and acquiring, and administering land is inconsistent with the fiscal restraint imposed by the Gramm-Rudman-Hollings Act.

The present Forest Service funding and services have been reduced nationwide, and the ultimate cost of this National Scenic Area, including timber acquisition, could escalate into hundreds of millions of dollars. I refer you to the Santa Monica National Recreation Area and the Redwoods National Park.

Finally, many of you Senators as well as the Senate staff have seen pictures of, heard of, or even flown over the beautiful Columbia Gorge. But how many of you have actually talked to the long-term residents who have themselves made the gorge what it is today?

Thank you.

[The prepared statement of Mr. Parks follows:]

NATIONAL INHOLDERS ASSOCIATION

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STATEMENT OF THE NATIONAL INHOLDERS ASSOCIATION
CONCERNING S.2055
BEFORE THE
SUBCOMMITTEE ON PUBLIC LANDS, RESERVED WATER
& RESOURCE CONSERVATION
OF THE
U.S. SENATE ENERGY & NATURAL RESOURCES COMMITTEE

JUNE 17, 1986

I would like to thank the subcommittee for this opportunity to testify on S.2055, a bill to create the Columbia Gorge National Scenic Area. My name is Ben Parks and I am the Washington Representative for the National Inholders Association (N.I.A.). The N.I.A. has 13,000 members in 50 states and is the leading organization in the nation which represents 1.2 million identified inholders. Our Association represents families and individuals who own land or equity interest in land within or adjacent to the boundaries of federally managed areas. We actively seek to protect the rights of families and communities from unwise and unnecessary acquisition as well as the over-regulation that has tragically led to the destruction of small communities and rural lifestyles.

N.I.A. believes that inholders have the right to the full use and quiet enjoyment of their land consistent with the intent of Congress in its creation of a federal area. N.I.A. insists that specific provisions and protections for private land be considered in the creation and management of an area. N.I.A. believes inholders can coexist with federal areas to the benefit of those areas. Such is the case in the Columbia Gorge. Many landowners of the Gorge will tell you how the local residents felled the snags (dead trees from repeated forest fires) 40 to 50 years ago and replanted thousands of trees. The beauty of the Gorge today is the product of the hard work of the local landowners and not the federal government.

Recently, a federal employee told our association that this bill was a "solution in search of a problem." Over the years, the people of the Gorge have solved the problems of transportation by building bridges and roads, of fires by felling snags and clearing brush, and of commercial and residential overdevelopment by enacting local zoning ordinances.

The N.I.A. opposes the enactment of S.2055 for the following reasons:

- There is no demonstrated threat to the area absent a federal designation;

- There exist state and local government alternatives to federal involvement;

- This bill does not consider the culture and heritage of the area residents and contains no specific provisions for their protection;

- Private conservation efforts through tax incentives and other forms of cooperation and self-regulation are not recognized and encouraged;

- The designation is not for resource protection since there is protection through county planning councils and zoning in the Gorge today;

- Polls of the populace within the proposed area and in adjacent communities and metro areas oppose federal management of the Gorge;

- Congressman Bob Smith of Oregon opposes federal control of the Gorge in his district;

- Numerous local governments and community organizations have passed resolutions opposing federal management of the Gorge area;

- No economic impact study was ever done on the Gorge area;

- Not one Senate field hearing has been held on this bill to ascertain the reaction of the local residents to the proposal;

- The appropriation of $35 million for land acquisition within the special management areas comes to approximately $900 per acre for land and buildings. The approximate fair market value for land in the special management area ranges from $1,000 to $22,000;

- How much will it cost the federal government and the American taxpayer for planning and planning assistance, commission operations, economic development, plan implementation and enforcement, land acquisition, and development of recreational and other public use facilities in the Columbia Gorge?

- The cost of establishing yet another federal agency, and acquiring and administering land, is inconsistent with the fiscal restraint imposed by the Gramm-Rudman-Hollings Act;

- The present Forest Service funding and services have been reduced nationwide; and

- The ultimate cost of this National Scenic Area, including timber acquisition, could escalate into hundreds of millions of dollars. I refer you to the Santa Monica N.R.A. and Redwoods National Park.

Finally, many of you have seen pictures of, heard of, or even flown over the beautiful Columbia Gorge, but how many of you have actually talked to the long-time residents who have themselves made the Gorge what it is today?

Thank you.

Senator HATFIELD. I thank each one of you for your appearance here today, and we appreciate your taking the time to come here and to offer your testimony. We will excuse you and invite the next panel.

While the next panel is taking its place at the table, I invite the backup panel to position themselves ready to appear: Mr. Mitch Bower; Mr. Charles Luce; Mr. Brot Bishop; Ms. Jean Siddall; Mr. Alan Merson; and Mr. Dennis Buchanan.

Mr. Bleakney, you are the first on our list.

STATEMENT OF PAT BLEAKNEY, DALLESPORT, WA

Mr. BLEAKNEY. Thank you, Senator. For the record my name is Mr. Pat Bleakney. I am a resident of Klickitat County, WA, where I own and operate a 6,000-acre cattle ranch adjacent to the Columbia River. I am also a credit officer for the Farm Credit System and past member and chairman of the Klickitat County Planning Commission.

This statement represents the collective thinking of 12 farmers and ranchers in Klickitat County. Our principal source of income is agriculture—mainly cattle—and our combined ownership within the defined gorge boundary totals approximately 33,000 deeded acres. This is about one half of the land in Klickitat County within the gorge designation.

We are apprehensive about any Federal legislation that would curtail our ability to make a living or devalue our land. Our concerns begin with the prevailing definition of the Columbia gorge. We agree with those who consider that the "real gorge," extends from near the mouth of the Sandy River to river mile 185, Crates Point, just west of The Dalles.

It also seems to us that inclusion of the Klickitat Canyon, Major Creek and Catherine Creek as part of the gorge is clearly in error. All lands in these two areas beyond the viewshed should not be considered as part of the gorge description.

We are aware of the need for planned economic growth and generally support the land use concept as addressed in the gorge protection Overlay Zone of Klickitat County. Our views regarding any pending law are summarized as follows:

One, crop and livestock agriculture must be allowed to continue. It is essential that we be permitted to change enterprises within the spectrum of commercially viable agriculture pursuits.

Two, preservation and reasonable extension of existing contracts are essential. Gas, oil, and geothermal leases are in effect. Gravel and mineral deposits of unmeasured quantities are present. Communication fixture sites and hunting rights generate necessary supplemental income in a depressed agricultural economy. Reasonable logging and timber cropping practices currently in use must be protected.

If a Management Commission is formed, we feel a majority of that body should be made up of gorge residents. In the event the above rights are abridged by Federal legislation, just compensation is in order. To diminish the value our land by legislated restrictions on its use seems unfair and almost cruel.

For these reasons it is our utmost concern that land values be maintained and devices remain for us to benefit from the use of our land, be it farming and ranching, renting to private or public entities, sale of development rights, property exchange, or outright land sale.

We have addressed the problems as they might affect several commercial ranchers in Klickitat County. Comments on issues of economic, political, and social nature are left to other spokesman.

In summary, we see the Columbia Gorge as a beautiful area that deserves comparable consideration of similar areas. We do not support the proposed legislation but recognize its possible inactment in some form. If Federal legislation results in restrictive land use and associated lower land values, fair and just monetary compensation to private land holders is in order.

Thank you.

[The prepared statement of Mr. Bleakney follows:]

Senate Committe on Energy and Natural Resources

Subcommittee on Public Lands, Reserved Water and Resource Conservation

Reference: Columbia Gorge National Scenic Area

Witness: Pat Bleakney

339 Dalles Mountain Road

P.O. Box 76, Dallesport, WA 98617

(509-767-1378)

Date: June 17, 1986

My name is Pat Bleakney. I am a resident of Klickitat County, Washington where I own and operate a 6,000 acre cattle ranch adjacent to the Columbia River. I am also a credit officer for the Farm Credit System and past member and chairman of the Klickitat County Planning Commission.

This statement represents the collective thinking of twelve farmers and ranchers in Klickitat County. Our principal source of income is agriculture, mainly cattle, and our combined ownership within the defined Gorge boundary totals approximately 33,000 deeded acres.* This is about one half of the land in Klickitat County within the Gorge designation. The properties of several of the ranchers extend beyond the Columbia River viewshed and a number rent or lease additional land within the area.

With our direct vantage, we are well aware of the beauty of the Columbia Gorge. We recognize the varied combinations of rock formation, severe relief, water features and vegetation transition from rainforest to arid grasslands. We appreciate the interest in the preservation of our land.

We also recognize the value of the essentially sea level route that the Gorge provides through the Cascade barrier. The railways, highways, navigable waterway, the low-level flight path and the power and communication systems that take advantage of this thoroughfare are of inestimable value to the region and nation.

We agree that all of these assets need protection. We submit that historic photo records will prove that the twelve of us are already doing our share. For us good stewardship is a matter of survival and the vegetation cover on our various holdings is significantly better today than it was a half century ago.

*see attached map

Because our most fundamental concern is for the preservation of the base for our livelihood and our homes, we are apprehensive about any federal legislation that would curtail our ability to make a living or devalue our land.

Our concerns begin with the prevailing definition of the Columbia Gorge. We agree with those who consider that the "real" Gorge extends from near the mouth of the Sandy River to river mile 185, Crates Point, just west of The Dalles. In view of the significant change in landscape and resource potentials that begin there, we believe it is unrealistic to extend the defined area another 20 river miles to the east.

It also seems to us that inclusion of the Klickitat Canyon and Catherine Creek as part of the Gorge is clearly in error. All lands in these two areas beyond the viewshed should not be considered as part of the Gorge description.

Physical properties of the terrain and the present public ownership preclude commercial development in much of the "real" Gorge; and, in fact, official designation as a scenic area may work to the opposite effect intended. Drawing more people and their associated problems to the area could work to the detriment of environmental protection.

We are aware of the need for planned economic growth and generally support the land use concept as addressed in the Gorge Protection Overlay Zone of Klickitat County. Environmental concerns are addressed without significantly curtailing economic growth. Control is maintained at the county level and decision makers are answerable to the effected electorate. Property rights are generally preserved and the legislation is subject to a sunset clause.

Apparently some quarters support the involvement of the Forest Service in the Gorge management. It is our understanding this federal agency is not seeking the role and in fact would like to avoid it. It seems the Forest Service already is responsible for the management of more land than it has money and man power to adequately service.

Our group is opposed to federal intervention; however, we recognize enactment of federal legislation in some form is possible. Therefore, we feel that we must make our views regarding any pending law relevant to our area known to this committee. These are summarized as follows:

1) Crop and livestock agriculture must be allowed to continue. For most of us, products of the land are our principal source of income and it is essential that we be permitted to change enterprises within the spectrum of commercially viable agriculture pursuits such as grazing to vineyards or orchards to hay production.

2) Preservation and reasonable extension of existing contracts are essential. Gas, oil and geothermal leases are in effect. Gravel and mineral deposits of unmeasured quantities are present. Communication fixture sites and hunting and fishing rights generate necessary supplemental income in a depressed agricultural economy.

3) Reasonable logging and timber cropping practices currently in use must be protected.

4) The Management Commissions should have adequate representation from the Gorge populous. The east portion of the Gorge, within Klickitat County, involves primarily crop and animal agriculture. Obviously this area requires a different management approach from the central and western parts which have a more urban and suburban

character. If a Management Commission is formed, we feel a majority of that body should be made up of Gorge residents. Their selection could be determined by the appropriate Boards of County Commissioners.

5) In the event the above rights are abridged by federal legislation, just compensation is in order. Without exception, the twelve families represented here want or expect nothing more than to continue farming and ranching as they have done for generations. At the same time, we must be realistic. The harsh economics of agriculture limit our ability to generate a capital base for family needs and eventual retirement. Many of us are forced to look to our land base as our only alternate source of income through sale, rent or conversion to nonagricultural use. To diminish the value of this base by legislated restrictions on its use seems unfair and almost cruel. For these reasons it is our utmost concern that land values be maintained and devices remain for us to benefit from the use of our land, be it ranching, renting to private or public entities, sale of development rights, property exchange, or outright land sale.

We have addressed problems as they might affect commercial ranchers in Klickitat County. Comments on issues of economic, political, and social nature are left to other spokesmen.

In summary, we see the Columbia River Gorge as a beautiful area that deserves comparable consideration of similar areas. We do not support the proposed federal legislation but recognize its possible inactment in some form. If federal legislation results in restrictive land use, and associated lower land values, fair and just monetary compensation to private land holders is in order.

Andy Tuthill
Andy Tuthill

Jerry Frazier
Jerry Frazier

Tom Amery
Tom Amery

Dan Gunkel
Dan Gunkel

Wayne L. Eshelman
Wayne L. Eshelman

Myron G. Smith
Myron G. Smith

Oliver T. Kreps
Oliver T. Kreps

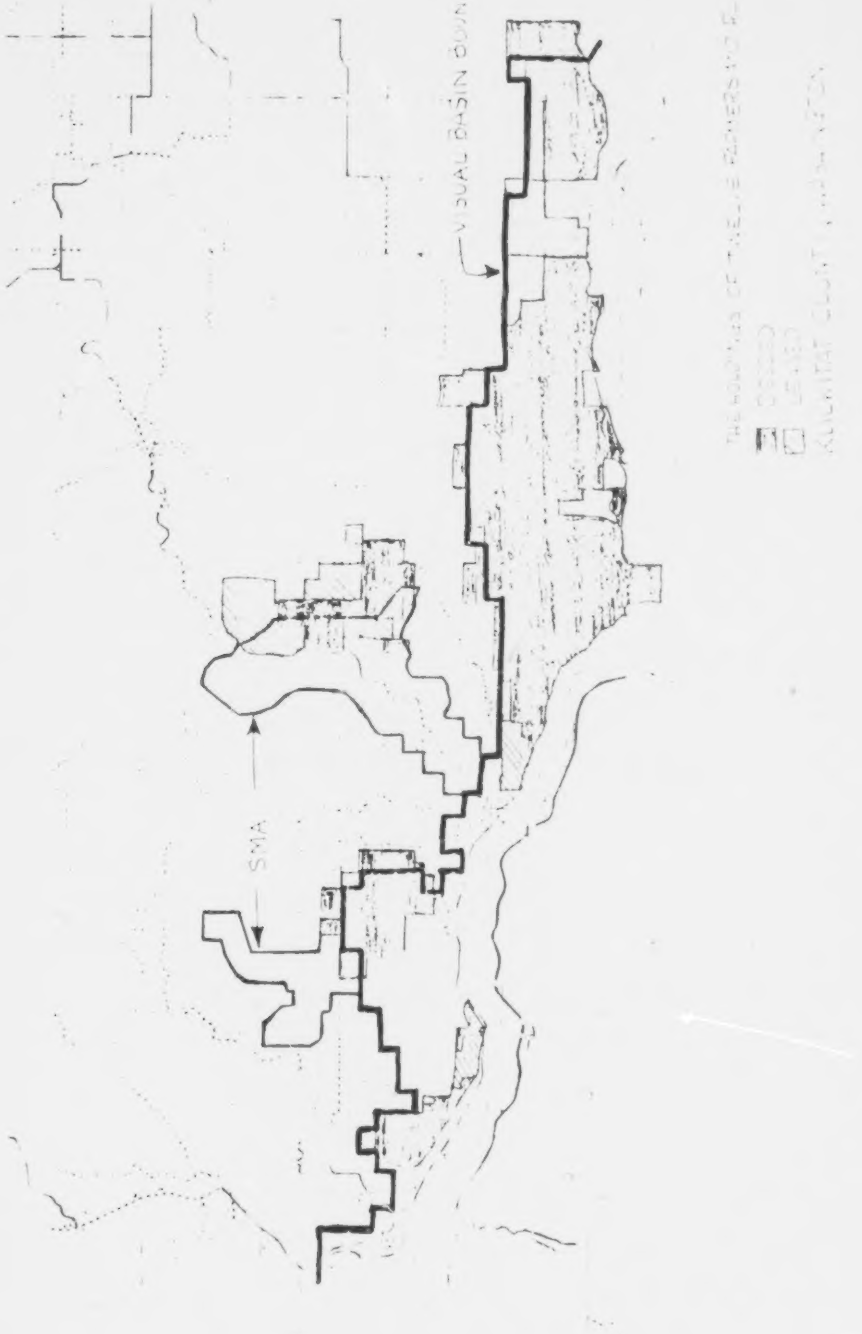
Jack Schreiner

Neil C Kayser
Neil C. Kayser

Paul Dooley
Paul Dooley

Jaekel Bros.
By Arthur N. Jaekel
Jaekel Bros.

Pat Bleakney
Pat Bleakney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Senator HATFIELD. Thank you.
Mr. Boyle.

STATEMENT OF EDWARD BOYLE, PRESIDENT, WASHINGTON ASSOCIATION OF REALTORS, VANCOUVER, WA

Mr. BOYLE. I am Ed Boyle. I am President of the Washington Association of Realtors, and I am here on behalf of the association as well as the national association to speak on the subject principally of private property rights. We have submitted written testimony which includes a brief history of the Gorge and government involvement in it and some of our involvement over the course of the last few years we have been trying to participate in this ongoing process.

We philosophically oppose Federal control of local land use. Land use is properly vested in local governments where it is close to the people and where those elected officials of local government are there to be held accountable by the local people. We oppose in this day of huge deficits in this country in the attempt to get them solved, the spending of tens or perhaps hundreds of millions of dollars of additional funds. I am surprised that nobody seems to be really addressing these costs. We find that to be very significant.

Washington State has in existence an abundance of laws to protect. We have the Shorelines Management Act, we have plat and subdivision law, we have the State Environmental Act, we have the Open Space Act; the list goes on. There are lots of devices available for those who object to any development going on to posture themselves adversarially and to stop it. It is a proper way for things to happen on a local level.

On the subject of rampant development, in Skamania County, which is being labeled as the real culprit here, there have been fewer than a hundred permits granted in the last 5 years and one that was commercial. Earlier this month I had the occasion to make a trip through the Gorge from Vancouver to Maryhill, and the amount of rampant development that I observed along the way was an addition putting on one house and a garage being built. I am not too sure that all of these rugged steep escarpments, where it is impossible to get water and sewage and that sort of thing are going to be really rapidly developed at any time in the future, anyway; it is totally noneconomic.

Having said all of that, I would ask that if in fact there has to be legislation, then we do favor this Senator's bill over and above the other ones that exist. There are a couple of things that we would like to see added to it: One of them is that local taxing authorities must be reimbursed for lost revenues caused because of the governmental acquisitions; and the second is an allowance must be included for the cost of retaining professional assistance to analyze the Federal Government's offer in acquisition proceedings to see that the local people do, in fact, get a fair price for their property.

These people have been living in a de facto moratorium; their property has not been selling. They have had a lot of problems over the course of the last 5 or 6 or 7 years. We very strongly favor that something get done or stop doing it and let these people get on with their lives.

Thank you for the opportunity to testify.

[The prepared statement of Mr. Boyle follows:]

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STATEMENT OF EDWARD BOYLE, PRESIDENT, WASHINGTON ASSOCIATION OF REALTORS® TO THE U.S. SENATE AND HOUSE HEARINGS ON THE PROPOSED COLUMBIA RIVER GORGE LEGISLATION, JUNE 17 AND 19, 1986 IN WASHINGTON, D.C.

My name is Edward Boyle and I am the 1986 President of the Washington Association of REALTORS®. I have been asked to represent the state association, 11,000 members strong, as well as the 720,000 member NATIONAL ASSOCIATION OF REALTORS®, at these hearings.

The Washington Association and Oregon Association of REALTORS® have been interested in the issue of proposed federal management of the Columbia River Gorge since legislation to create a National Scenic Area was introduced in Congress in 1981. During the past five years we have attended hearings, workshops and meetings and we have reviewed voluminous reports, technical studies and draft bills. We have testified at field hearings and technical workshops. With the assistance of a land use attorney, we prepared an outline of an acceptable legislative proposal presented to Senator Evans last summer. Most recently, we have reviewed the current bills before Congress and have prepared comments.

The subject is important to us as our long involvement would indicate. We thank you for this opportunity to present our views to you. First of all we will present our philorophical basis so that you can better understand our orientation. We will then discuss the situation in the Gorge and the specifics of the proposed legislation, focusing primarily on the state of Washington.

REALTOR® is a registered collective membership mark which may be used only by real estate professionals who are members of the NATIONAL ASSOCIATION OF REALTORS® and subscribe to its strict Code of Ethics.

With respect to land use, our beliefs can be simply stated: we support private property rights and local control. We feel that government should be close to the people it serves and that locally-elected representatives should be held accountable for land use decisions. Participating in those decisions offers, in our opinion, one of the best ways in which local residents can, through the democratic political process, influence the nature of their community. For example, land use decision-making by local entities in the Lake Tahoe area has been eliminated because of the presence of a bi-state commission and we are acutely aware of the problems that have resulted. We do, however, acknowledge that in today's complex society issues frequently arise which involve a broader than local constituency. In such instances, intervention by a higher governmental authority should be limited to the minimum needed to protect federal, state or regional issues.

Without question the Columbia River Gorge is an area where natural and manmade forces have combined to create a distinctive, dramatic landscape. Since the turn of the century there have been efforts to protect and preserve the area which serves as a major transportation corridor and host to towns, rural communities and a primarily resource-based economy supporting 40,000 residents.

It might be helpful at this point to provide a brief chronology of the events which have brought us to where we are today.

In 1953 Oregon created the Columbia River Gorge Commission with the basic goal of "preserving, developing and protecting the recreation, scenic and historic areas of the Columbia River Gorge." Six years later, in 1959, Washington State created its own Columbia River Gorge Commission with similar intents and purposes.

A 1976 congressional-authorized study of recreational needs and opportunities in 28 urban areas throughout the country named the Columbia River Gorge as one of the few potential federal urban sites. In the "Portland Open Space and Urban Parks Study" the Gorge is identified as a resource that is a dramatic combination of river, vertical rock escarpments, major waterfalls, luxuriant rain forest, abundant fish and wildlife, and unique historic and prehistoric resources." The report states that "the geology and volatile weather of the Gorge lend it a uniqueness and a scenic quality that constitute national significance." The study notes that while the Gorge is protected to some extent by the Oregon and Washington Columbia River Gorge Commissions, certain portions of the area are threatened by commercial, residential, industrial and energy development.

The most recent controversy began in 1979 when a local preservation group, charging that the integrity of the Gorge was being threatened by uncontrolled development, approached the Secretary of Interior with the request that the area be studied for possible inclusion into the National Park System as a National Scenic Area. Based in part on the resultant National Park Service study, released in 1980, the so-called Packwood Bill, named after its sponsor, Senator Bob Packwood of Oregon, was drafted and introduced to the U.S. Congress in 1981 and again in 1983.

Meanwhile, in an effort to assert control over the situation and forestall federal action, the Washington State Legislature formed the Governor's Select Committee on the Columbia River Gorge whose task was to make recommendations to the Governor and the legislature on a management plan for the Gorge. After numerous public hearings and technical studies, a divided committee fulfilled its charge. The eventual result was the "Governors'" bill, proposed by Governors Spellman of Washington and Atiyeh of Oregon. The bill attempted to strike a balance between protection and development, and between regional and local control.

During the period prior to the submittal of recommendations by the Committee, the Washington Legislature issued a Joint Memorial to President Reagan requesting that Congress refrain from considering legislation imposing further federal control over nonfederal land in the Columbia River Gorge.

The issue was not raised in Congress during 1984 due, in part, to the fact that attention within the Committee on Energy and Natural Resources was absorbed with major wilderness proposals. The issue was again brought to prominence in November 1984, when Senator Dan Evans conducted a marathon congressional field hearing in Stevenson, at which time he stated that the slate was clean and that he was seeking "new approaches" to the management question of the Gorge.

Early in 1985 the four Senators from Oregon and Washington issued a statement committing themselves to Gorge legislation after concluding that there is a need to coordinate planning and regulatory activities in the Gorge. A set of "discussion maps" proposing a 230,000 acre Gorge Scenic Area, including 37,500 acres designated "Area of Potential Acquisition," were circulated. Technical and public workshops were then held throughout the area. Negotiations on the framework of the management plan continued for several months and resulted in the introduction of S. 2055, co-sponsored by the four Oregon and Washington Senators, and co-sponsored in the House as H.R. 4161 by Congressmen Morrison and Wyden.

Two other proposals have also been submitted: H.R. 4221 co-sponsored by Congressmen AuCoin and Bonker; and H.R. 4114, essentially the earlier "Packwood" Bill, co-sponsored by Congressmen Lowrey and Weaver.

Let us step back for a minute and examine the overriding issue and reason for proposing a federal land use management program. That issue is growth and whether or not it should be allowed to occur.

Proponents of federal management believe that growth, on a scale heretofore not experienced, is imminent. The stage is set, they believe, and point to the Portland/Vancouver Metropolitan area. Growing now and projected to continue to grow, it is now, by virtue of the new Interstate 205 bridge, within commuting distance of the Gorge. They point to new electronic plants locating in Vancouver and the increased use of the Port of Camas/Washougal. The Gorge will soon be lost, they say, to rampant, uncontrolled development.

In point of fact, the pace of development is slow. In Skamania County, which has minimal land use controls and is frequently viewed as the major villain, an average of 21 new dwellings were built each year during the same five year period. Only one commercial building permit was issued. In addition to economic and market forces natural factors such as steep terrain, shallow soils and a harsh climate have served and will continue to serve as limitations upon development.

So, are we really dealing with a problem of such proportions that only federal intervention can prevail? Or is it more simply a case of one side, unable to prevail at the state or local level escalating the conflict to the federal level?

Yet, it is at the federal level that actions which most drastically changed the landscape of the Gorge occurred. Dams, hydro-electric facilities, transmission lines and interstate highways have irrevocably set the course of the visual environment.

Time and time again, during the course of our discussions through the years, this question comes up: Why the federal government? Federal intervention and preemption of local land use control cannot be the solution. And is it even reasonable to expect the beleagured federal government, currently laboring under the largest budget deficit in its history, to intervene?

How much will this intervention cost? The two latest proposals specify allocations for acquisition and economic development but do not specify costs of overall administration. We need to know this.

At a time when funds are scarce and becoming more so, and when the national trend is toward political decentralization and local initiative, it would seem that crisis-oriented federal action is not an acceptable, workable solution in the Gorge, or anywhere else. The majority of the resident population of the area are opposed to federal intervention as witnessed by the results of the November 6, 1984 Advisory Ballot in Klickitat and Skamania Counties. Of 9,773 ballots cast, 7,024 favored local control, 2,257 favored a combination of local and federal control and a scant 492 supported the Packwood Bill.

Reading the proposed legislation one gets the impression that little or no policy or regulation exists. This simply is not the case. Washington state has in place the mechanisms to protect every facet of the environment. The legislature has enacted the Planning Enabling Act, the Shoreline Management Act, the State Environmental Policy Act, the Platting and Subdivision law, the Open Space Act and a statewide health code. The legislature has granted regional planning authority to cities and counties. In addition, the Department of Community Development was created as a coordination and planning agency to provide financial and technical assistance to the communities of the state and to assist in community planning and development. The Department could also provide a formal vehicle for intergovernmental coordination of state and local plans.

The Columbia River Gorge Commissions have been in place for many years in an advisory role and have developed a Resource Management plan which encourages stewardship of the region's resources. So, why create a new commission? Why not reshape the existing ones and give them more authority?

On the local level, Klickitat County's regulations offer a model for protecting the scenic qualities of the Gorge. Klickitat County has adopted a Gorge Protection Overlay Zone for development on steep slopes, cliffs and bluffs. It applies to all incorporated areas within the "visual basin" of the Gorge, as seen from I-84, SR 14 and the Columbia River. Some of its major features include the following: all roads, buildings and other improvements must be sited and designated to fit the natural topography; structures within open or exposed areas must use earth tones to blend with the landscape; all structures must be setback so as not to infringe on the skyline as viewed from highways or the Columbia River; the minimum lot width on a bluff crest or cliff line is 200 feet; and surface mining cannot be visible from SR 14 or I-84.

It is true that Skamania County has failed to enact anything but minimal regulations. Nevertheless, regulatory tools are available and inducement to adopt can more successfully come from a regional body than from the federal government.

Today, however, I am here to address the proposals for federal protection of the Gorge. After reviewing S. 2055, H.R. 4161, HR 4114, and H.R. 4221 the Washington Association of REALTORS®, with certain reservations, tacitly accepts the basic wording of S. 2055 and offers the following two amendments: 1) Local taxing authorities must be reimbursed for lost tax revenues because of government acquisitions; and 2) an allowance must be included for the cost of retaining professional assistance to analyze the federal government's offer in acquisition proceedings.

Not yet adequately addressed is the issue of costs. What is the cost of implementation at all three levels of government? Is the $35 million figure adequate to handle all desirable acquisitions?

Under the basic assumption that there will be federal legislation we would prefer the National Park Service as lead federal agency. The NPS can provide better long-term management for the Gorge. The key to long-term appreciation and economic revitalization of the area falls naturally to the Park Service, which has expertise in those areas, particularly in developing and maintaining interpretive centers, key to public appreciation of the Gorge. The United States Forest Service has had much less experience in dealing with small private non-forested landowners and has a vested interest in the forested areas of the Gorge. Timberland exchanges may be delegated to the USFS to handle, but the argument that the counties will receive more money from a percentage of the timber receipts becomes suspect in light of the producing timberlands being traded away.

We would also prefer the primary responsibility for protecting and enhancing the Gorge to reside with state and local governments in developing implementation programs to carry out a unified management plan.

We appreciate this opportunity to comment. Thank you.

Senator HATFIELD. Thank you very much.

Ms. Jemtegaard.

STATEMENT OF LOIS JEMTEGAARD, WASHOUGAL, WA

Mrs. JEMTEGAARD. My husband Marvin and I are landowners and farmers who have lived and worked continuously in the Columbia Gorge since 1909. I also serve on the Skamania County Planning Commission. Others and I worked on that ordinance for over 6 years.

All our family pioneered our 330 acres of farm and timberland on Mount Pleasant. Our present home adjoins the homestead where Marvin was born and reared over 76 years ago. Marvin was 16 when he saw his first deer. He hiked 5 miles back into the hills to see it. So we decided we wanted to create a habitat and winter feed for deer and elk on our land. On our land and on neighborning lands, at our own cost, we planted thousands of evergreens and other trees, the same trees that today make us a desirable scenic tidbit for a Federal forest agency to gobble up.

In establishing our farm, we personally cleared acres of pristine and natural stumps, snags, brush, and blackberry vines. We planted and grafted walnut, prune, apple, pear, and cherry trees, and the largest filberts in the world. With God's help, we are the reason the trees and the wildlife are in the Columbia River Gorge in the first place. We, with God's help, were instrumental in creating its pristine beauty.

Through the years, we have fought forest fires, bears, bobcats, coyotes, cougars, wolves, and killer dogs that have endangered us, our home, and our animals. But I have not been as scared of any of these threats as I am of this Senate Committee. None of these naturally existing threats could damage our home, our property, and our lives as you can.

Your Senate Bill 2055 places dozens of our neighbors and hundreds of other Gorge residents in a special management area. Our property in the previous bill was to be acquired in order to save it from our management. Until the Government gets around to removing us, Forest Service bureaucrats who have never run a farm, built a barn, birthed an animal, or even felled a tree will be telling us how to manage our property and how to live our lives.

I cannot recount the innumerable hours and millions of dollars that we and other landowners have invested, at no cost to the Federal treasury, in beautifying and utilizing the Gorge. If your Committee would do an economic impact statement, you would see what it costs us landowners to manage our pieces of the gorge as opposed to what it will cost this Nation's taxpayers to manage it in its present condition if the Federal bureaucracy takes it over. Can the Government really afford the Gorge?

Our family has lived the great American dream. We came to America, homesteaded our land, and made a living through honest, hard work these past 77 years, through two depressions and two World Wars. When I sent my only son overseas to fight for the freedom of others, I would never have believed that one day my own National Government would invade my home and propose to disinherit my grandchildren and future generations from their history, their heritage, and their home.

This is not conservation. It is the destruction of everything my husband and I, and his parents before us, worked a lifetime to conserve. This bill should not be dignified with your vote. My husband is fighting for his life and when this hearing came up, he said, damn the cancer; protect our land.

Senator HATFIELD. Thank you.

Mr. Clymer.

STATEMENT OF EVERETT C. CLYMER, THE DALLES, OR

Mr. CLYMER. My name is Everett C. Clymer. I am a 70-year resident of the Columbia River Gorge. I would like to thank the subcommittee for this opportunity to air my views.

In the State of Oregon we have the strongest land use laws, land conservation and development commission in the Nation. The Federal, State, and county already control 85 percent of the land in the gorge. Therefore, we do not need any Federal control of private lands. Less than 15 percent of the land is now owned by private individuals.

There are questions left unanswered in the proposed Senate bill 2055 as submitted in section 11. What is the purpose of a "development corporation"?

The Gorge legislation is so vaguely worded it is impossible to determine its economic effects. How are we to anticipate the influence of this legislation on our tax structure? What will it cost the taxpayer to implement this legislation?

The old Columbia River Highway 30, which covers 6 miles of the steepest terrain and two backfilled and sealed tunnels, would be the most expensive part of Highway 30 to restore. There is no need for this added expense.

The State already has 14 miles between Mosier and The Dalles and 20-some miles between Troutdale and Dodson. This has always been open to vehicular traffic ever since Interstate 84 has been in existence.

Who will maintain a National Scenic Area now that the Forest Service, Parks and Recreation budgets are being cut?

Thank you.

Senator HATFIELD. Thank you very much.

Mr. Stevenson.

STATEMENT OF DONALD W. STEVENSON, SECRETARY-TREASURER, THE BROUGHTON LUMBER CO., COOK, WA

Mr. STEVENSON. I am Don Stevenson, secretary-treasurer of The Broughton Lumber Co., Cook, WA.

Thank you for this opportunity to voice my concerns as a resident and a businessman of the Columbia Gorge.

In considering S. 2055, three important concepts need amending so that it will be fair to the local landowners:

In the special management areas that are to be controlled by the Forest Service, arrangements should be made in the bill to either trade all private land out of the special management area or purchase them outright at fair value. In order to do this, it will be necessary to exempt the trades from NEPA and SEPA and specify Federal land that is suitable for exchange as was done in the Mount St. Helens bill.

In the scenic areas, timber management should be under the state forest practices law only.

Any restrictions that this bill would place on the use of land over and above those that are locally mandated should be compensated for by the Federal Government.

These concerns could be satisfied in S. 2055 by making minor adjustments.

But is a federally controlled gorge bill necessary, especially in times of budget constraints? It is my opinion that any Federal bill would be very expensive, and not justified by what it would accomplish. The local residents of the gorge will prevent any degradation of the area, and timber management has been practiced for over 100 years without spoiling the scenic beauty.

The only truly unique features of the gorge that sets it apart from the rest of the Cascade Range are the sheer rock bluffs which cannot be damaged by individuals. The Federal Government is the only entity with enough money to damage the gorge. Any Federal bill is analogous to assigning the wolf to protect the herd of sheep.

Now I would like to refute a statement by Brock Evans. He insinuated that the beauty of the gorge has deteriorated in the last 50 years. With exceptions of the dams, power lines, and interstate highway, the gorge is more beautiful now than 50 years ago. Then many wildfires scarred the hillside.

I first went into the Columbia Gorge 64 years ago, but I was only 10 years old then so I may not have noticed the beauty of that time; but 50 years ago I was 24, and I think I can safely say that the Gorge is more beautiful now than it was 50 years ago.

Senator HATFIELD. You are an amazing 74 year old.

Mr. Cleveland.

STATEMENT OF EDGAR M. CLEVELAND, WASHOUGAL, WA

Mr. CLEVELAND. I am Ed Cleveland. My wife and I live in the Columbia Gorge and we are here at our own expense today to ask you for two things: to hold local field hearings in the Columbia Gorge; and to order a thorough economic impact statement.

Political games are being played with people's economic lives and property rights, and this is not fair. Our own Senators, honest, respected, and of my own political party, and Congressmen are not listening to us, but are echoing the position of the powerful big money national environmental lobbyists. Most of us are just poor people fighting for our economic lives, and we do not know how to cope with all this. We hope this committee will hear us and listen to our logic and defeat this bill, because it is both costly and unnecessary.

Costly, because acquisition costs not including future administration and maintenance costs are said to be $35 million, while actually we think this figure to be 10 to 13 times too low.

Senator, how does anyone justify an underestimation of cost to such a huge extent? After all, there are 42,000 people living in the Columbia Gorge in 23 different communities in an area 87 miles long. We ask that you order an economic impact statement, and then you will know what the acquisition costs will be.

It is unnecessary, because we do not need it. You have all seen pictures of the Columbia Gorge. It has been kept this way for the last 50 years by us, the local residents. You can count on us to continue to do so because it is in our best self-interest.

Do you think we are going to destroy property or views that we have spent our own hard-earned money to acquire? That does not make sense.

You have in your hands today a rare opportunity for a win-win situation by saying no to this bill. The environmentalists would win because the scenic beauty of the gorge would be preserved. The residents would win because all their property rights and tax base will be preserved. All taxpayers everywhere would win because it will not cost them one cent, much less the $35 million already admitted to.

Lastly, although we are deeply concerned about the future expensive problems this bill would create, we remember the words of Jesus to those who are worried about tomorrow: "But seek ye first the Kingdom of God and His righteousness, and all these things shall be added unto you."

Thank you.

Senator **HATFIELD**. Thank you.

I want to thank each of you for again contributing to the effectiveness of this hearing. Your testimony has been very helpful.

We will excuse you now and call the next panel.

Ms. **JEMTEGAARD**. Senator Hatfield, I forgot to ask you if you would look at the last page of my testimony to see what the gorge looked like when we started to improve it.

Senator **HATFIELD**. I will be happy to do that.

Ms. **JEMTEGAARD**. Thank you.

Senator **HATFIELD**. I will invite the follow-up panel, then, to be in position: Mr. John Platt, Mr. David Alberswerth, Ms. Harriet Burgess, Mr. Chris Brown, Ms. Anne Bringloe, and Mr. Paul Pritchard.

All right, Mr. Bower, do you wish to lead off?

STATEMENT OF MITCHELL BOWER, JR., BUSINESS CONSULTANT, VANCOUVER, WA

Mr. **BOWER**. Thank you, Senator Hatfield.

My name is Mitchell Bower, Jr., and I am a business consultant in Vancouver, WA. I have been a participant, and a leader, in the business and economic community life of Southwest Washington for 30 years. I have participated in numerous community enhancement activities, both economically and culturally.

My interest in the gorge is first personal inasmuch as I have spent many weeks exploring its scenic and natural wonders, and hiking its numerous trails.

Second, I am also a businessman, and very concerned about the economic wellbeing of the citizens that reside there. Investments made should not be diminished and job creation should be enhanced. This bill, with first its exemption from the management plan of the urban areas, second, its provision for acquisition of critical lands and scenic easements, third, establishment of a development corporation, offers significant economic gain for the residents.

As a student participant in the businessworld, it is my strong belief that this bill with necessary changes could make the Act stronger and prospective actions more predictable to balance the economic and recreational potential in the gorge. It will encourage investment and job creation especially in tourists and recreationally related industry and activity.

The national chairman of the Travel Industry Association of America, stated publicly in 1984: The single most significant step the business community could take, to capitalize on the tourist and convention industry, is to get the Columbia Gorge National Scenic Area legislation passed at the earliest possible moment.

As an active backpacker and climber for 25 years who has hiked extensively throughout the States of Oregon and Washington, it is my observation that, one, tourism is significantly increasing in Oregon and Washington; two, there is an increasing national and international recognition of the natural wonders of our two States; three, both States have increased their commitment to make the area attractive to the traveler; four, significant new investments have been made in recent years to accommodate tourists; five, those areas that have concerted plans, investment, and expended energies have benefited greatly.

Mt. Rainier National Park's study in 1968 supported an annual equivalent of 2,000 jobs in the immediate area. The Olympic National Park in the same study showed the annual equivalent of 2,800 jobs. These statistics, if updated, would surely be much greater. At present it is projected by the year 2000 that Mt. St. Helens National Monument will create 5,000 annual equivalent in jobs on a local basis.

The Columbia River Gorge is considerably more accessible and accessible much more of the year. With the designation of National Scenic Area, proper management, and new investments it is exciting to think of the new job-producing prospects for this area.

Mr. Chairman, I have been asked to present a brief statement on behalf of the 1,200-member Greater Vancouver Chamber of Commerce, and I would like to conclude my remarks with just a reading from the preamble from the Greater Vancouver Chamber of Commerce.

They strongly support the preservation of the Columbia Gorge because of its economic importance to our area. The Columbia Gorge is important as a transportation link to the Pacific Rim, a source of hydroelectric power, and a national tourist attraction. Specifically, tourism is one of the most profitable economic resources in the northwest. As Oregon's third, and Washington's fourth-largest industries, over $5.75 billion in revenue, and 156,000 jobs were generated in both States' last annual reporting period directly from tourism. The chamber views the growth of tourism to the Northwest economy as the essential ingredient, and the Columbia Gorge as a major feature in that growth.

Thank you.

[The prepared statement of Mr. Bower follows:]

TESTIMONY OF
MITCHELL BOWER, JR.
CONCERNING LEGISLATION TO DESIGNATE
THE COLUMBIA GORGE NATIONAL SCENIC AREA

BEFORE THE
SENATE SUBCOMMITTEE ON PUBLIC LANDS,
RESERVED WATERS AND RESOURCE CONSERVATION

June 17, 1986

My name is Mitchell Bower, Jr., and I am a business consultant from Vancouver, Washington. I am testifying today because I support the strongest possible legislation to establish a National Scenic Area (NSA) in the Columbia River Gorge. Further, I believe that this legislation needs strong, clear standards and a mandatory enforcement mechanism to ensure protection.

I would like to address the economic benefits that would be generated by the NSA legislation. These benefits fall into three broad categories: (1) the enhancement of tourism through National Scenic Area designation and protection; (2) the exemption from regulation of incorporated cities and other urban areas where the majority of economic development occurs; and, (3) the creation of an economic development fund to provide low interest loans to Gorge development proposals which are compatible with the area's values.

Tourism is one of the most important and profitable industries in the Northwest, especially in the Columbia Gorge. In Washington State, tourism represents the fourth largest industry.[1] In 1985, tourism generated approximately $3 billion in revenue and created the equivalent of 83,000 full time jobs in Washington State.[2] Tourism is Oregon State's third largest industry,[3] and the Governor's Council on Economic Recovery predicts that it will be the State's largest industry by the end of the next decade.[4] In 1984, tourism generated approximately $2.75 billion in direct expenditures[5] and created the equivalent of 73,250 full time jobs in Oregon State.[6]

Economic studies of federally protected areas similar to the Columbia Gorge indicate that these areas generate remarkable amounts of revenue, often in depressed regions of the Northwest. For example, a 1970 study by the University of Washington[7] provides data on the economic impact to the State of Washington and local communities of the Olympic National Park and Mount Rainier National Park.

This study discovered that, in 1968, visitors to Olympic National Park spent $18.3 million in the State of Washington, $8 million of which was spent on the Olympic Peninsula. These expenditures, together with the operations expenditures of the National Park Service, supported the annual equivalent of approximately 2,800 jobs in the State.

Also in 1968, Mt. Rainier National Park visitors spent $12.6 million in the State of Washington, over 80% of which was spent in the four counties contiguous to the park. These expenditures, together with the Park Service's operations expenditures, supported the annual equivalent of 2,000 jobs in the State.

Although this study was completed sixteen years ago, considering the greater advertising budgets for tourism of Oregon and Washington, the added attraction of close by Mount St. Helens National Monument, the significantly greater awareness of the scenic attractiveness of Oregon and Washington, and increased tourism in the Northwest, it is safe to assume that these figures have increased dramatically over the intervening years.

Indeed, the economic projections for areas established since the study was completed support the economic significance of nationally designated and protected areas. For example, the United States Forest Service has projected that the recently designated Mount St. Helens National Monument will draw 2.8 million visitors annually by the year 2000, create 5000 new jobs and generate $365 million annually in additional income to the area.[8]

The significance of revenue from tourism in the Columbia Gorge is already considerable. Polls indicate the Gorge is the third most popular area in Oregon,[9] with over two million visitors annually to locations like Multnomah Falls.[10] The amount of revenue generated from Gorge tourists is well-documented. For instance, Oregon State Parks has estimated that Oregonians alone -- not including out-of-state visitors -- spent approximately $29.9 million in 1985 during their visits to Multnomah Falls, while visitors to Rooster Rock spent $6.4 million.[11]

The Oregon and Washington State Gorge Commissions have estimated that the state parks in the Gorge generated in a 1 year period from July, 1983 to June, 1984 over $102 million.[12]

Many of the Gorge's communities, located too distant from the Portland/Vancouver commercial center but placed in the midst of this world-class landscape, already benefit greatly from dollars generated from tourism and recreation. Hood River, for example, has benefited enormously from the windsurfing explosion: over a dozen shops which cater to windsurfers have opened in the past three years, and a national tournament, drawing several thousand spectators, has become an annual event. According to Hood River Mayor James Walker: "Windsurfing has really been the thing that has kept this area intact economically."[13]

Cascade Locks' revenue is also dependent upon tourism. Sixty jobs in Cascade Locks depend upon the $1 million in revenue annually generated by that city's tourist attraction the sternwheeler "Columbia Gorge" (partially financed, incidentally, by a $1.1 million federal grant), which makes the sternwheeler Cascade Locks' largest employer.

Passage of National Scenic Area legislation for the Gorge will enhance tourism, and thus the Gorge's local economy, in at least three respects. First, just the designation "National Scenic Area" will serve as a magnet to attract visitors, especially those who reside outside the Pacific Northwest, to the Gorge. The designation "National Scenic Area" will be placed on all maps of the region, travel agencies will be advised, and people who are unfamiliar with the Northwest will know -- just from the designation -- that the Columbia Gorge National Scenic Area is a place worth visiting, an area of national significance.

Second, National Scenic Area legislation will authorize between $35 and $40 million for acquisition of critically important Gorge lands. Acquisition of these lands will lead to greater public access to areas like the Columbia River, which will benefit all recreationalists, especially Gorge residents.

Third, NSA legislation will provide long-term necessary protection for the Gorge's acclaimed vistas, which provide the incentive for visits to the area by tourists. In the past, local counties such as Skamania have illegally approved subdivisions on critically important lands such as those immediately across the river from Multnomah Falls, downriver from Beacon Rock, and above Cape Horn. Suburbanization of the Gorge's nationally significant vistas, which will be restricted by NSA legislation, would only discourage the area's burgeoning tourism industry.

All of the pending Gorge bills (S. 2055, H.R. 4134, H.R. 4221, H.R. 4114, and H..R. 4161) provide complete exemptions from regulation for the larger cities and towns in the Gorge. It is in precisely these areas where the bulk of economic development has occurred in the past and where it would occur in the future. The great majority of the Gorge's population also lives within these exempted areas. By not restricting -- in any fashion -- the development activities in these exempted areas, National Scenic Area legislation provides further encouragement for economic development to occur in these already committed areas.

It should be recognized that development in the exempted areas, where the necessary infrastructure such as sewers and roads exists, is less expensive and more efficient for the communities than urban sprawl, which threatens the Gorge's most critical lands as well as being more costly. The costs to the counties of urbanization of unincorporated areas is thoroughly documented in a 1978 study requested by the U.S. Forest Service, entitled "The Effect on Multnomah and Hood River Counties of the Proposed Federal Acquisition of Lands in the Columbia Gorge Recreation Composite."

This study discovered that if an increase in housing units and population (to the extent permissible under the existing zoning ordinances) occurred within unincorporated areas of Multnomah County and Hood River County which were proposed for federal acquisition, as opposed to occurring within the incorporated areas, the net losses to the counties would be $10,945.26 and $1,865.50, respectively.[15] If, however, the permissible increases in population and housing were to occur within the counties' incorporated areas, and the lands involved placed in public ownership, both counties would receive net revenue gains of $4,667.12 and $11.463.60, respectively.[16]

In addition to bolstering the local economies through increased tourism and not restricting development activities within the exempted ares, four of the five Gorge bills (S. 2055, H.R. 4134, H.R. 4221, and H.R. 4161) create a Gorge development corporation. The corporation will provide low interest loans to fund Gorge development projects which are consistent with the National Scenic Area management plan. The authorization limits for the corporation range between $10 and $15 million.

Contrary to the positions taken by many opponents to Gorge legislation, therefore, National Scenic Area legislation will bring substantial economic benefits to the region in general and the Gorge communities particularly. In fact, no less an authority than the national chairman of the Travel Industry Association of America (the umbrella organization for the U.S. travel industry) has stated:

> "The single most significant step the business community could take to capitalize upon the tourist industry...is to get the Columbia River Gorge National Scenic Area legislation passed at the earliest possible moment."[17]

The major benefit to Gorge communities from the NSA designation will be through increased tourism. Tourism is already an extremely important industry in the Gorge, and an NSA designation -- which will highlight the Columbia Gorge on regional maps and with travel agencies -- will enhance the already considerable tourist business. An analysis of the effect of national designation for similar areas in the Northwest, such as Mount Rainier and Olympic National Parks, and Mount St. Helens National Monument, indicates that the national designation, and ensuing protection, can generate millions of dollars annually for the local communities and create several thousand jobs, as well as attract millions of dollars of investment capital for tourist accommodations and related industry.

Tourism in the Gorge will also be benefited by greater public access brought about by acquisition of critical Gorge lands. Such acquisition is particularly important in the western portion of the Gorge on the Washington banks, where access to the Columbia River is limited. Perhaps most importantly, however, NSA legislation will bring much needed protection to the nationally significant vistas of the Columbia Gorge. Without such protection, the foundation of the Gorge's tourism is endangered.

While NSA legislation will protect these critical lands from overdevelopment, it will place no restrictions on development within the larger cities and towns in the Gorge. It is in these exempted areas where the majority of the Gorge's population lives and where the bulk of the develolment activities have, and will, take place. Because of the existing infrastructure, it is within these exempted areas where development will most efficiently and less expensively occur.

In addi [illegible] to not restricting development within the exempted urban areas, NSA legislation actually encourages appropriate development to occur by establishing a development corporation. The corporation would provide low interest loans for compatible development projects and would be funded between $10 and $15 million.

Allowing the Gorge to develop and grow, yet keeping that growth in harmony with this world class natural environment, is the goal of the Columbia Gorge legislation. Protecting this area's beauty and natural resources will assure continuing economic benefits to those that live there, those that recreate there, and those that travel hundreds of miles to enjoy its scenic grandeur. Thank you for the opportunity to testify.

Footnotes

1. Ranking provided by David Tanner, research analyst for the Tourism Division of the Washington State Department of Trade and Economic Development.

2. See footnote #1. See also: "Washington Travel Facts;" Washington State Tourism Development Division; March, 1985 for 1984 state tourism figures.

3. Ranking provided by Doug Crook, research analyst for the Oregon State Department of Economic Development.

4. Governor's Economic Recovery Council Report; May 15, 1982; page 53.

5. Press release; Oregon Economic Development Department; May 19, 1986.

6. See footnote #3.

7. "An Economic Impact Study of Mt. Rainier and Olympic National Parks;" prepared for the National Park Service by William B. Beyers; University of Washington; February, 1970.

8. "Mount St. Helens Update;" Special Report by Congressman Don Bonker; April, 1985.

9. "On Tourism;" The Business Journal; July 8, 1985.

10. "Parks Contribute Millions to Economy;" Gresham Outlook; October 23, 1985.

11. See footnote #10.

12. Gorge Notes; Columbia River Gorge Commissions' Report; September, 1985.

13. "Ride Like the Wind;" Pacific Northwest Magazine; September, 1985; page 34.

14. "Tour Boat Operators;" Portland Business Today; November 27, 1985; page 24.

15. "The Effect on Multnomah and Hood River Counties of the Proposed Federal Acquisition of Lands in the Columbia Gorge Recreation Composite;" prepared for the U.S. Forest Service by Zoe Anne Arrington; August 30, 1978; pages 20-22.

16. See footnote #15.

17. Letter from Robert Giersdorf to David Cannard; July 16, 1984; page 2.

Senator **Evans** [presiding]. Thank you.

Mr. Luce indicated to me earlier today that he was forced to leave, and he has submitted a statement for the record.

[The prepared statement of Mr. Luce follows:]

SENATE OF THE UNITED STATES
BEFORE THE SUBCOMMITTEE ON PUBLIC LANDS AND RESERVED WATERS
OF THE
SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES

I am Charles Luce, a resident of Vancouver, Washington. In the Kennedy-Johnson administrations I served with Secretary of the Interior Stewart Udall, first as Bonneville Power Administrator, then as Undersecretary. Thereafter I served as Chairman of the Consolidated Edison Company of New York until my retirement in 1982. Presently I practice law in Portland, Oregon. I am a member of the board of directors of the Friends of the Columbia Gorge, but my testimony is presented as an individual and not as an official of that organization.

During my years in the Interior Department it successfully supported the creation of many new national parks and recreation areas, such as North Cascades, the Redwoods, Point Reyes, Cape Cod, Fire Island, Assateague Island, and Whiskeytown-Shasta-Trinity. The Department in those years also was the lead executive agency in support of the Land & Water Conservation Fund Act of 1965, which has helped to finance state and local park and recreational projects throughout the United States.

Today I appear in support of S.2055, entitled "The Columbia Gorge National Scenic Area Act." I need not rapsodize on the unique beauty of the Columbia River Gorge. It is simply one of the most beautiful geologic and botanical places on earth -- and it needs protection from the pressures of the Portland/Vancouver urban area pushing into it from the West. (See Attachment A)

S.2055 is a carefully crafted, quite complicated legislative vehicle to provide that protection. Its complications arise from a sincere effort to balance the national interest in protecting this magnificent natural resource with the State and local interest in protecting the livelihoods of Gorge residents and giving them an effective voice in the specific plans for Gorge protection. Personally, I would strike the balance somewhat differently, for example in the areas of enforcement and of standards. In this regard, I agree with the position of the Friends of the Columbia Gorge. But S.2055 must be regarded as a long stride in the direction of protecting the gorge.

Although some earnestly think otherwise, I believe the long-term economic interests of the majority of residents of the Gorge will be served by declaring it a national scenic area. The national billing it will receive in the travel industry will encourage more tourism -- a source of jobs and income for Gorge residents that will grow as the nation grows. (See Attachment B) S.2055 will leave the incorporated cities free to attract new enterprises without federal restraint, and the Columbia Gorge Development Corporation can become a positive factor in financing such enterprises. Farming, timber and fishing operations in the Gorge can continue much as they do now. (See Attachment C)

The prosperity of Gorge residents is closely tied to the economies of Oregon and Washington. A beautiful, unspoiled Columbia River Gorge, along with our other marvelous natural resources, will be an ever-increasing attraction for new industry to come to our states. When industrial planners are making their site selections, the attractive, outdoor life-styles made possible by such natural resources will help offset the disadvantages of our remoteness from large markets.

Already the Congress has established under the U.S. Forest Service two national recreation areas in the Pacific Northwest: Sawtooth in Idaho, and Hell's Canyon in Oregon and Idaho. Both such national areas appear to be well accepted in the two states, and the Forest Service has generally shown itself sensitive to local as well as national needs. The time is at hand, indeed overdue, when the Columbia Gorge also should receive national recognition and protection.

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May 29, 1986

FOCG Position Paper: Threats to the Gorge

The greatest single threat to the Columbia Gorge is the residential development which is slowly expanding east from the Portland/Vancouver metropolis. This incremental expansion has been greatly spurred by the tremendous growth of Clark County - a 49.6% population increase in the decade from 1970-1980, most of it occurring outside the major city of Vancouver - and by the completion in 1983 of the I-205 bridge which links east Portland with eastern Clark County and western Skamania County. The *Book of America*, by *National Journal* contributing editors Neal Peirce and Jerry Hagstrom, was discouragingly accurate when it stated:

> "In the case of Clark County, where the new electronics manufacturing industry has fueled growth, the sprawl threatens to urbanize the magnificent Columbia River Gorge."

I. Residential development.

The pressures from this growth is most apparent in unzoned Skamania County, which contains more Gorge acreage than any other county. The Skamania County commissioners have steadfastly ignored state-wide land use laws such as the State Environmental Policy Act (SEPA) and the Shorelines Management Act (SMA) and have unlawfully granted development permits to large subdivisions on particularly valuable Gorge lands. The market for these subdivisions is apparently the summer home market for Portland/Vancouver residents: Skamania County presently has approximately a 20% vacancy rate for housing.

The Oregon and Washington State Gorge Commissions have completed two major studies of land use patterns in selected areas on the Washington side of the Gorge. These studies have found disturbing trends with respect to land parcellization in western

ATTACHMENT A

Skamania County (perhaps the most vulnerable area of the Gorge), and land platting and building activity in Skamania and Klickitat counties. The Commissions' February 2, 1983 parcellization report concluded that, within the 10,504 acre study area in western Skamania County:

> "Encouraged by lax land use and platting controls, land divisions have occurred in a leapfrog, haphazard manner, affecting nearly one-third of the land within the study boundary." [Emphasis added.].

The Commissions' February, 1985 report focused on land platting and building activity within Skamania and Klickitat counties from 1980 to 1984. This report concluded that these counties' rural lands in the Gorge were being converted to medium density residential lands, even though Skamania County's population had remained static for the five year period. The statistics assembled by the Commissions' staff presented a bleak future for this area of the Columbia Gorge:

> "During the past five years in the unincorporated areas of Skamania and Klickitat Counties over 890 acres have been subdivided into 232 lots averaging 3.8 acres in size. During this same period over 246 new dwelling units have been added to the same unincorporated area ... Significant acreages within the Gorge are incrementally being converted from undeveloped rural lands to medium density residential lands." [Emphasis added.]

While the violations of land use laws and approval of residential permits is most glaring in Skamania County, by no means is Skamania County the only Gorge county which is approving development on nationally significant lands, nor is the development limited to residential. Commercial and industrial development, hydroelectric projects, surface mining and poorly planned timber clear-cutting have all contributed to an erosion of the Columbia Gorge's unique values and resources. This erosion, moreover, has been documented in every single Gorge county.

II. Partial listing of major threats.

The following is a partial list of some of the most damaging proposals and actions recently undertaken or pending in the Columbia Gorge.

1. Rim View Estates: a 16 lot subdivision approved by the Skamania County Commissioners in 1981. Composed of 4 contiguous short plats, Rim View Estates is located on top of

Cape Horn, probably the most important vantage point in the western Gorge. Although the legality of this subdivision was unchallenged, a similar subdivision - Columbia Gorge Riverfront Estates - was challenged and the method of using contiguous short plats to create a subdivision was held illegal.

2. Columbia Gorge Riverfront Estates: initially a 24 lot riverfront subdivision located directly across from Multnomah Falls, one of the Northwest's premier tourist attractions which draws over two million visitors annually. Skamania County's approval of the subdivision was overturned in a lawsuit filed by Friends of the Columbia Gorge's members. A subsequent proposal in May, 1983 for 21 lots was also approved by the county, but the property was subsequently purchased by the Trust for Public Land.

3. Hidden Harbor Subdivision: an 83 lot riverfront subdivision with proposed deepwater marina located on wetlands downriver from Beacon Rock State Park and across from Oregon's Horsetail Falls. Skamania County's approval of this July, 1984 proposal was reversed in a lawsuit filed by Friends of the Columbia Gorge before the Shorelines Hearings Board.

4. Burdoin Mountain short plats: six short plats on one of the most scenic mountains in the eastern Gorge, approved by the Klickitat County Commissioners despite the objection by the County Planner that the plats did not meet state requirements. A lawsuit by the Columbia Gorge Coalition is now pending.

5. Iman Subdivision: a pending December, 1985 proposal for a 20 lot subdivision located on the undeveloped bluffs of the Gorge west of Wishram Heights, overlooking the Columbia River in Klickitat County.

6. Wells Island conference and interpretive centers: a proposal for a conference center, interpretive buildings and a docking facility on tiny Wells Island, home to the eighth largest Great Blue Heron rookery and third largest Canada Goose nesting site on the

three hundred miles of Columbia River from the Pacific Ocean to McNary Dam. A lawsuit, filed by Friends of the Columbia Gorge, the Oregon Gorge Commission, 1000 Friends of Oregon and the Portland Audubon Society to overturn approval of the proposal by Hood River County and Oregon's Land Conservation and Development Commission, is currently pending.

7. Wyeth Hydroelectric Project: a December, 1985 proposal for a $6.8 million hydroelectric project which threatens one of the Gorge's most spectacular waterfalls, one hundred foot Gorton Creek Falls, is pending before the Federal Energy Regulatory Commission.

8. Merritt Subdivision: an October, 1984 proposal for a 12 lot subdivision high on the Gorge's bluffs in Multnomah County; each lot would be smaller than the County's minimum lot size. The proponent has apparently withdrawn this proposal.

9. Port of Entry: a $2.1 million commercial trucking facility proposed in June, 1984 by the State of Oregon for extremely significant scenic areas at Wyeth, Oregon, and later, adjacent to Lewis and Clark State Park; later moved - under considerable public pressure - to within the Cascade Locks urban growth boundary.

10. Sand Dunes destruction: 1983 destruction by the State of Oregon of fifty acres of sand dunes east of The Dalles. The sand dunes were covered by 25,000 yards of crushed rock and 23,000 pounds of fertilizer for road maintenance purposes, despite their unique scenic importance, which was emphasized by the dunes' identification as "sensitive lands" in the April, 1980 National Park Service Study, The Columbia Gorge.

11. Port of Camas/Washougal industrial park: an April, 1983 attempt to expand the Port's industrial park into 346 acres of the 1180 acre Steigerwald Lake wetland - one of the most important natural areas in the entire Gorge - prevented by last minute federal acquisition of the wetland.

12. Beacon Rock transfer: a March, 1984 attempt by the State of Washington to transfer, for future sale, 40 acres of Beacon Rock State Park; defeated by widespread public opposition.

13. Ruthton Park sale: a December, 1983 attempt by Oregon State to sell scenic Ruthton Park near Hood River; also defeated by widespread public pressure.

14. Home Valley conversion: a December, 1985 decision by Skamania County to amend its comprehensive plan and reclassify 1200 acres of undeveloped open space and timberland as suitable and necessary for a wide range of land uses including heavy industrial, commercial, and high density single and multifamily residential. This reclassification tripled Home Valley's "rural 1" area, and was an attempt, according to the Washington State Gorge Commission, to "inappropriately ... manipulate land use processes to circumvent anticipated provisions in Gorge legislation."

15. Archer Mountain restaurant/airstrip: a January, 1986 proposal to build an 1800 foot private airstrip and restaurant on Skamania County's Archer Mountain, an important scenic area.

III. Conclusion.

Local management of Columbia Gorge's nationally significant lands and waters is leading to the gradual but unmistakable erosion of this magnificent area. Local zoning, when it exists, is not protecting the Gorge. Existing land use regulations are frequently ignored by county commissions: their approval of large-scale subdivisions on critical lands has been rejected when challenged by concerned citizens.

The most pervasive threat to the Columbia Gorge is incremental residential expansion, which is slowly spreading eastward from the Portland/Vancouver metropolis. This pressure is not abating, and will only increase as the regional economy grows stronger. New subdivisions, inappropriate clearcutting and damaging hydroelectric projects on lands and water of great national significance will also continue until a single comprehensive management plan for the Gorge's six counties, two states and over 50 different political jurisdictions is enacted.

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FOCG Position Paper
Economic Benefits of National Scenic Area Legislation

Opponents to National Scenic Area (NSA) legislation have primarily based their opposition upon the misperception that NSA legislation would harm economic development in the Gorge. This misperception ignores the positive economic benefits which would accrue through passage of NSA legislation.

The purpose of this paper, therefore, is to discuss these benefits, which fall into three broad categories: 1. the enhancement of tourism through National Scenic Area designation and protection; 2. the exemption from regulation of incorporated cities and other urban areas where the majority of economic development occurs; and, 3. the creation of an economic development fund to provide low interest loans to Gorge development proposals which are compatible with the area's values.

I. Tourism.

1. Regional. Tourism is one of the most important and profitable industries in the Northwest, especially in the Columbia Gorge. In Washington State, tourism represents the fourth largest industry.[1] In 1985, tourism generated approximately $3 billion in revenue and created the equivalent of 83,000 full time jobs in Washington State.[2] Tourism is Oregon State's third largest industry,[3] and the Governor's Council on Economic Recovery predicts that it will be the State's largest industry by the end of the next decade.[4] In 1984, tourism generated approximately $2.75 billion in direct expenditures[5] and created the equivalent of 73,250 full time jobs in Oregon State.[6]

Economic studies of federally protected areas similar to the Columbia Gorge indicate that these areas generate remarkable amounts of revenue, often in depressed regions of the Northwest. For example, a 1970 study by the University of Washington[7] provides data on the economic impact to the State of Washington and local communities of the Olympic National Park and Mount Rainier National Park.

This study discovered that, in 1968, visitors to Olympic National Park spent $18.3 million dollars in the State of Washington, $8 million of which was spent on the Olympic Peninsula. These expenditures, together with the operations expenditures of the National Park Service, supported the annual equivalent of approximately 2,800 jobs in the State.

Also in 1968, Mt. Rainier National Park visitors spent $12.6 million in the State of Washington, over 80% of which was spent in the four counties contiguous to the park. These expenditures, together with the Park Service's operations expenditures, supported the annual equivalent of 2,000 jobs in the State.

Although this study was completed sixteen years ago, considering the greater advertising budgets for tourism of Oregon and Washington and increased tourism to the Northwest, it is safe to assume that these figures have increased over the intervening years.

Indeed, the economic projections for areas established since the study was completed support the economic significance of nationally designated and protected areas. For example, the United States Forest Service has projected that the recently designated Mount St. Helens National Monument will draw 2.8 million visitors annually by the year 2000, create 5000 new jobs and generate $365 million in additional income to the area.[8]

2. Columbia Gorge.

The significance of revenue from tourism in the Columbia Gorge is already considerable. Polls indicate the Gorge is the third most popular area in Oregon,[9] with over two million visitors annually to locations like Multnomah Falls.[10] The amount of revenue generated from Gorge tourists is well-documented. For instance, Oregon State Parks has estimated that Oregonians alone - not including out-of-state visitors - spent approximately $29.9 million in 1985 during their visits to Multnomah Falls, while visitors to Rooster Rock spent $6.4 million.[11]

The Oregon and Washington State Gorge Commissions have estimated that the state parks in the Gorge generated in a 1 year period from July, 1983 to June, 1984 over $102 million.[12]

Many of the Gorge's communities, located too distant from the Portland/Vancouver commercial center but placed in the midst of a world-class landscape, are heavily dependent upon dollars generated from tourism and recreation. Hood River, for example, has benefitted enormously from the windsurfing explosion: over a dozen shops which cater to windsurfers have opened in the past three years, and a national tournament, drawing several thousand spectators, has become an annual event. According to Hood River

Mayor James Walker: "Windsurfing has really been the thing that has kept this area intact economically."[13]

Cascade Locks' revenue is also dependent upon tourism. Sixty jobs in Cascade Locks depend upon the $1 million in revenue annually generated by that city's tourist attraction the sternwheeler "Columbia Gorge" (partially financed, incidentally, by a $1.1 million federal grant), which makes the sternwheeler Cascade Locks' largest employer.[14]

3. Benefits of legislation to tourism.

Passage of National Scenic Area legislation for the Gorge will enhance tourism, and thus the Gorge's local economy, in at least three respects. First, just the designation "National Scenic Area" will serve as a magnet to attract visitors, especially those who reside outside the Pacific Northwest, to the Gorge. The designation "National Scenic Area" will be placed on all maps of the region, travel agencies will be advised, and people who are unfamiliar with the Northwest will know - just from the designation - that the Columbia Gorge National Scenic Area is a place worth visiting, an area of national significance.

Second, National Scenic Area legislation will authorize between $35-$40 million for acquisition of critically important Gorge lands. Acquisition of these lands will lead to greater public access to areas like the Columbia River, which will benefit all recreationalists, especially Gorge residents.

Third, NSA legislation will provide much greater protection for the Gorge's acclaimed vistas, which provide the incentive, more often than not, for visits to the area by tourists. In the past, local counties such as Skamania have illegally approved subdivisions on critically important lands such as those immediately across the river from Multnomah Falls, downriver from Beacon Rock, and above Cape Horn. Suburbanization of the Gorge's nationally significant vistas, which will be restricted by NSA legislation, would only discourage the area's burgeoning tourism industry.

II. Exemption of Cities.

All of the pending Gorge bills (S.2055, H.R.4134, H.R.4221, H.R.4114 and H.R. 4161) provide complete exemptions from regulation for the larger cities and towns in the Gorge. It is in precisely these areas where the bulk of economic development has occurred in the past and where it would occur in the future. The great majority of the Gorge's population also lives within these exempted areas. By not restricting - in any fashion - the development activities in these exempted areas, National Scenic Area legislation provides further encouragement for economic development to occur in these already committed areas.

It should be recognized that development in the exempted areas, where the necessary infrastructure such as sewers and roads exists, is less expensive and more efficient for the communities than urban sprawl, which threatens the Gorge's most critical lands as well as being more costly. The costs to the counties of urbanization of unincorporated areas is thoroughly documented in a 1978 study requested by the U.S. Forest Service, entitled "The Effect on Multnomah and Hood River Counties of the Proposed Federal Acquisition of Lands in the Columbia Gorge Recreation Composite."

This study discovered that if an increase in housing units and population (to the extent permissable under the existing zoning ordinances) occurred within unincorporated areas of Multnomah County and Hood River County which were proposed for federal acquisition, as opposed to occurring within the incorporated areas, the net losses to the counties would be $10,945.26 and $1,865.50 respectively.[15] If, however, the permissable increases in population and housing were to occur within the counties' incorporated areas, and the lands involved placed in public ownership, both counties would receive net revenue gains of $4,667.12 and $11,463.60 respectively.[16]

III. Development Corporation

In addition to bolstering the local economies through increased tourism and not restricting development activities within the exempted areas, four of the five Gorge bills (S. 2055, H.R. 4134, H.R. 4221 and H.R. 4161) create a Gorge development corporation. The corporation will provide low interest loans to fund Gorge development projects which are consistent with the National Scenic Area management plan. The authorization limits for the corporation range between $10-$15 million.

IV. Conclusion

Contrary to the positions taken by many opponents to Gorge legislation, therefore, National Scenic Area legislation will bring substantial economic benefits to the region in general and the Gorge communities particularly. In fact, no less an authority than the national chairman of the Travel Industry Association of America (the umbrella organization for the U.S. travel industry) has stated:

> "The single most significant step the business community could take to capitalize upon the tourist industry... is to get the Columbia River Gorge National Scenic Area legislation passed at the earliest possible moment."[17]

The major benefit to Gorge communities from the NSA designation will be through increased tourism. Tourism is already an extremely important industry in the Gorge, and a NSA designation

- which will highlight the Columbia Gorge on regional maps and with travel agencies - will enhance the already considerable tourist business. An analysis of the effect of national designation for similar areas in the Northwest, such as Mount Rainier and Olympic National Parks, and Mount St. Helens National Monument, indicates that the national designation, and ensuing protection, can generate millions of dollars annually for the local communities and create several thousand jobs.

Tourism in the Gorge will also be benefitted by greater public access brought about by acquisition of critical Gorge lands. Such acquisition is particularly important in the western portion of the Gorge on the Washington banks, where access to the Columbia River is limited. Perhaps most importantly, however, NSA legislation will bring much needed protection to the nationally significant vistas of the Columbia Gorge. Without such protection, the foundation of the Gorge's tourism is endangered.

While NSA legislation will protect these critical lands from overdevelopment, it will place no restrictions on development within the larger cities and towns in the Gorge. It is in these exempted areas where the majority of the Gorge's population lives and where the bulk of the development activities have, and will, take place. Because of the existing infrastructure, it is within these exempted areas where development will most efficiently and less expensively occur.

In addition to not restricting development within the exempted urban areas, NSA legislation actually encourages appropriate development to occur by establishing a development corporation. The corporation would provide low interest loans for compatible development projects and would be funded between $10-$15 million.

Footnotes

1. Ranking provided by David Tanner, research analyst for the Tourism Division of the Washington State Department of Trade and Economic Development.

2. See footnote #1. See also: "Washington Travel Facts;" Washington State Tourism Development Division; March, 1985 for 1984 state tourism figures.

3. Ranking provided by Doug Crook, research analyst for the Oregon State Department of Economic Development.

4. Governor's Economic Recovery Council Report; May 15, 1982; page 53.

5. Press release; Oregon Economic Development Department; May 19, 1986.

6. See footnote #3.

7. "An Economic Impact Study of Mt. Rainier and Olympic National Parks;" prepared for the National Park Service by William B. Beyers; University of Washington; February, 1970.

8. "Mount St. Helens Update:" Special Report by Congressman Don Bonker; April, 1985.

9. "On Tourism;" The Business Journal; July 8, 1985.

10. "Parks Contribute Millions to Economy;" Gresham Outlook; October 23, 1985.

11. See footnote #10.

12. Gorge Notes; Columbia River Gorge Commissions' Report, September, 1985.

13. "Ride Like the Wind;" Pacific Northwest Magazine; September, 1985; page 34.

14. "Tour Boat Operators;" Portland Business Today; November 27, 1985; page 24.

15. "The Effect on Multnomah and Hood River Counties of the Proposed Federal Acquisition of Lands in the Columbia Gorge Recreation Composite;" prepared for the U.S. Forest Service by Zoe Anne Arrington; August 30, 1978; pages 20-22.

16. See footnote #15.

17. Letter from Robert Giersdorf to David Cannard; July 16, 1984; page 2.

Timber Production on Lands
in the Columbia Gorge
November 1984

PREPARED BY
PHIL CRAWFORD
SKAMANIA COUNTY
EXTENSION AGENT

Special interest groups concerned about protection of scenic, natural, historic and cultural resources, recently have focused a great deal of attention on management of the Columbia River Gorge, an eighty-five mile stretch of the Columbia River between Portland and The Dalles, Oregon. Discussion and debate, beginning in 1980, has become increasingly vigorous with the emergence of proposals for federal legislation which would prescribe management policy and procedures.

Among the many points of discussion is the effect any regulatory action would have on the timber industry, the single most important industry in several Gorge communities. The following questions and answers have been prepared to help clarify the status of timber resources within the area of concern. Particular emphasis has been placed on the extent to which Gorge timber contributes, or might contribute, to the welfare of the local timber industry. Additional supporting data is appended following the questions.

1. How productive are timberlands in the Gorge?

   Growth varies widely depending on the quality of the site, stocking, and management practices. Some typical figures for the number of board feet grown on one acre of private commercial timber land are:

Skamania County	622 board feet per year
Klickitat County	427 board feet per year
Wasco County	176 board feet per year
Hood River	268 board feet per year

   A reasonable average is 580 board feet per year

2. How much commercial timber is produced in the Gorge? According to Industrial Forestry association, U.S. Forest Service, and Washington Department of Natural Resources statistics, about 32,740 acres of forest land within the National Park Service Study area are currently available, primarily for growing commercial timber. Assuming these lands will produce 580 board feet per acre annually, the total production would be about 19 million board feet per year.

3. How much timber do mills in the Columbia Gorge area process each year? Although production varies widely, depending primarily on market conditions, a reasonable estimate, assuming all plants operated two shifts daily, would be 627.54 million board feet. However, actual consumption in 1982 was probably less than half of this amount. For example, in 1982 the sawmills in Skamania and Klickitat Counties could have processed an estimated 378 million board feet of logs if they had operated two shifts daily for 240 days. But, according to industry statistics, they actually used about 159 million board feet of logs, or about 60% less than they might have used, had the economy been better.

ATTACHMENT C

4. How much do Gorge mills depend on timber produced within the proposed scenic area? Lands within the scenic area are capable of growing about 19 million board feet per year and Gorge mills consume about 628 million board feet per year. Therefore, the raw material contributed by the land in question would be about three percent of the total required. These statistics are based on two assumptions. (Other combinations of assumptions could be chosen but would not significantly alter the outcomes.)

   Assumption a. Local mills operate two shifts daily for 190 days (veneer plants) or 240 days (plywood and sawmills). The log demand by mills can vary considerably depending on the number of shifts per day and the number of days per year they operate. The level chosen (two shifts for 240 days) is neither the minimum nor the maximum. It is, however, higher than the current level for most plants due to poor economic conditions.

   Assumption b. Local mills use all the logs produced on the lands in question. This is not entirely true because log flows to and from, as well as within, the Gorge are complicated. However, local mills do not use all the logs harvested in the area. Some are purchased by outside buyers and some are sold on the export market.

5. Is there currently a shortage of logs for mills in the Columbia Gorge? Probably not, particularly considering the current condition and forecasts for the Northwest's wood products industry. Competition from Canada and the Southern United States has affected demand for western wood products and, hence, the demand for logs in the Northwest.

   Mills in the Columbia Gorge are geographically close to large areas of commercial timber, most of which lie outside the Gorge itself. In a sense, these mills lie at the small end of a large funnel. For example, Skamania County contains about 912,000 acres of commercial timberland. Of this, about two percent lies within the Gorge.

   The Oregon Gorge counties, Wasco and Hood River, contain little commercial timber land within the Gorge except for that under federal management which has been excluded from commercial timber harvest.

   An examination of 1982 log flow data for Klickitat and Skamania Counties shows that these two counties produced (harvested) 254,638,000 board feet, and consumed 149,620,000 board feet, leaving a net surplus of 105,018,000 board feet. Due to geographic problems, some of this volume may not have been readily available to Gorge mills, but a significant surplus was produced in the area.

3

Installed Plant Capacity
Sawmills, Plywood, Veneer and Roundwood
Skamania, Klickitat, Hood River & Wasco Counties

MILLS(Thousand board feet, lumber tally)

	8-hour shift	Annual	Volume(Mb.f.)
Skamania	320	153,600 b.f.	
Klickitat	468	199,368 b.f.	
Hood River	146	70,000 b.f.	
Wasco	260	124,800 b.f.	
		Total(mills)	537,040 b.f.

Veneer & Plywood(Thousand ft.², 3/8-inch basis)

Skamania	226	79,650 sq.ft.	
Klickitat	170	64,600 sq.ft.	
		Total(sq.ft.)	144,250 sq.ft.

Post, Poles, & Piling(Thousand b.f. Scrib.)

Wasco	710 b.f.

Conversion to board feet

Plywood conversion factor 3

Veneer conversion factor 4

Skamania County

Plywood 79,650 ÷ 3 = 26.55 MMb.f.
Veneer 22,800 ÷ 4 = 5.70 MMb.f.

Klickitat County

Plywood 64,600 sq.ft. ÷ 3 = 21.53 MMb.f.

Total(plywood & veneer) 53,790 Mb.f.

Total 637,540 Mb.f.

Log Flows

Washington(Washington Department of Natural Resources Washington Mill Survey, Report No.8, December, 1983)

Logs originating from Counties in 1963(M b.f., Scrib.)

Skamania	170,545	
Klickitat	84,093	254,638
Logs flowing to mills in Skamania & Klickitat Co's.,1963 -		149,620
Surplus logs		105,018

Oregon(U.S.D.A.Forest Service Resource Bulletin PNW-75,(M b.f.Scrib.)

Logs originating from counties in 1976(Mb.f.,Scrib.)

	Originating	Came In
Hood River	50,448	92,253
Wasco	99,606	128,110
	150,054	220,363

5

Potential Annual Yields from Commercial
Forest Lands within the National Park
Columbia Gorge Study Area Boundaries

	Acres	Volume	Per Acre/Yr.
Private	25,000(2)	14.5 MM b.f.(3)	580 b.f.
Public	52,700(1)	20.9 MM b.f.	397 b.f.
TOTAL	77,700 acres	35.4 MM b.f.	456 b.f.
Less:			
U.S. Forest Service Lands in CG S.A.	44,500	17.6 MM b.f.	397 b.f.
Total Current Functional Acres	32,700(2)	19.0 MM b.f.	580 b.f.

(1) Includes U.S.F.S., D.N.R., and Hood River County lands
(2) Includes Private, D.N.R., and Hood River County lands
(3) IFA Survey, January 1979, Revised June, 1981.

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Annual Mill Capacity[1]
(Thousand Board Feet, Lumber Tally and Square Feet Plywood-Veneer Converted to Thousand Board Feet[2])

[illegible]		
Sawmills	153,600	
Plywood & Veneer	32,260	
		185,860
[illegible]		
Sawmills	224,640	
Plywood & Veneer	21,530	
		246,170
[illegible]		
Sawmills	70,000	
Plywood & Veneer	-0-	70,000
[illegible]		
Sawmills	124,800	
Plywood & Veneer	-0-	
Post, Poles, Piling	710	
		125,510
	Total	627,540

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1. Based on two, eight-hour shifts per day, operating annually as follows: Sawmills 240 days; Plywood 240 days; Veneer 150 days.
2. Veneer recovery factor 4; Plywood veneer recovery factor 5.

1

Important Points often Overlooked in Discussions about Forest Resources in The Columbia Gorge

I. Loss of commercial forest land to other uses in the State of Washington.

a.[1] Late 1930's to 1977 - 2.6 million acres

-1.4 million acres to land withdrawals for parks, etc.

-1.2 million acres to urbanization, rights-of-way, etc.

-Average annual loss - 60,000 acres.

b.[1] Projections to 2020 indicate accelerated loss totalling 3.75 million acres or an annual average of 86,000 acres. These estimates are conservative.

c. Although proposals for Columbia River Gorge management involve commercial forest land acreages of varying size, the Industrial Forestry Association has published an estimate of 77,700 acres within the National Park Service 1980 study area. This estimate includes both public and private lands. About 44,960 acres of this forest land is managed by the U.S. Forest Service for uses which exclude commercial timber harvest. Therefore, 32,740 acres of public and private land are currently available for commercial timber production. None of the current management proposals call for exclusion of forest management on all of the 32,740. However, most call for some restrictions. Even if all of these lands were excluded, the loss would be less than half of the annual loss in the state.

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[1] Source: Joint Testimony of the Industrial Forestry Association and Washington Forest Protection Association to the Governor's Select Committee on the Columbia Gorge, September 8, 1981.

Senator **Evans**. Mr. Brot Bishop, Pendleton Woolen Mills.

STATEMENT OF BROUGHTON H. BISHOP, CHAIRMAN OF THE BOARD, PENDLETON WOOLEN MILLS, INC., PORTLAND, OR

Mr. **Bishop**. Thank you, Senator Evans.

In order to save time, I will not read my statement, which I hope could be put in the record. It supports S. 2055 with amendments regarding standards and so forth, which many others have already submitted today, but I would like to make two or three comments.

I think that everyone with any interest in the gorge owes you their gratitude for bringing this matter miraculously close to a concensus. Today if there is an opposition to moving ahead, it is primarily a result of polarization which may never be solved. But in spite of this polarization, I think a reasonable person can conclude from the testimony we have heard today that the citizens of Stevenson, WA, and Cascades Locks, OR, will benefit from the passage of S. 2055 in terms of both jobs and property values.

I hope your committee will move ahead quickly to ensure passage in this session. I would be glad to help in any way that I can.

Thank you.

[The prepared statement of Mr. Bishop follows:]

Statement of
Broughton H. Bishop, Chairman of the Board
Pendleton Woolen Mills, Inc.

appearing before the
Public Lands and Reserved Water Subcommittee
of the
Senate Committee on Energy and Natural Resources

at its Hearing on Senate Bill S. 2055
Washington, D. C.
June 17, 1986

My name is Broughton Bishop. I am Chairman of the Pendleton Woolen Mills, and a resident of Oregon. My family has been in the woolen textile business in Oregon since 1863. I am here because I care very much about the future of the Columbia River Gorge.

The Columbia River Gorge is a rare national asset truly deserving protection as a National Scenic Area, and ranks with the best of our National Parks and National Recreation Areas. It is a unique spot. It is recognized far and wide for magnificent beauty. But it is more than that. It is a place where thoughtful visitors can plainly see the results of forces that have shaped the earth over the past fifty million years: the greatest lava outpouring ever to occur in North America, faults and uplifting of the earth, and floods during the Ice Ages equivalent to ten times the combined flow of all the rivers of the world.

During the past 70 years, public and private groups have provided facilities necessary for use of the Gorge as a National Scenic Area. In 1915, the Portland Chamber of Commerce was involved in setting aside 15,000 acres of National Forest Land in the Gorge for park use. Subsequently, other improvements such as buildings and trails have been added. Highways on both sides of the river provide access. These facilities represent a large investment, and it is imperative that we protect this investment through establishment of the proposed National Scenic Area.

I am very grateful to the four Senators from Oregon and Washington for working together to bring this legislation before the United States Senate. It will insure the preservation of a national treasure for use and enjoyment by future generations.

Statement of Broughton H. Bishop
June 17, 1986

In reviewing Senate Bill S. 2055, I urge members of this Committee to strengthen its provisions in three areas:

First, effective management requires unambiguous and strongly protective standards, and in my opinion, the proposed legislation could be improved in this area;

Second, mandatory, not discretionary, enforcement of the legislation is critical, and it is extremely important that the proposed legislation be amended to provide for this standard;

Third, the Forest Service should have a more meaningful role in development of the management plan. This can be accomplished if the Commission override of the Secretary's veto of the management plan be changed to require nine rather than eight votes.

I also believe that Bridal Veil and Dodson-Warrendale should be included in the Gates of the Columbia Gorge Special Management Area. Their exclusion will present clear problems in managing the heavily-visited western Gorge in Oregon.

Creation of the Columbia River Gorge National Scenic Area will be an achievement of national significance benefitting all citizens for generations to come.

I thank you for the privilege of appearing here today, and I will be happy to answer any questions.

* * *

Senator EVANS. Thank you very much.
Ms. Jean Siddall.

STATEMENT OF JEAN SIDDALL ON BEHALF OF THE WASHINGTON NATIVE PLANT SOCIETY AND THE OREGON RARE AND ENDANGERED PLANT PROJECT, LAKE OSWEGO, OR

Ms. SIDDALL. Senator Evans, and members of the subcommittee, I am Jean Siddall, director of the Oregon Rare and Endangered Plant Project. I am here today representing the Washington Native Plant Society and the Native Plant Society of Oregon. They both support S. 2055.

I have hiked the trails in the gorge and studied its flora for the past 19 years. I too well remember my own first trip down the gorge. We were moving from Ohio to Portland, and as we drove through the gorge I was totally overwhelmed by the grandeur of the cliffs and the waterfalls, and the majesty of the river.

I have been in all 50 States, and I have seen many of our national parks from Florida to Alaska, and there is no other place like the Columbia River gorge. It really is unique for me. Perhaps sometimes you have to come from somewhere else to appreciate it.

The gorge is not only an incredible area of scenery, history, geology, it is also a botanical treasury of world significance. Within the 85 miles of national scenic area, the river flows through three distinct ecosystems as it transects the Cascade Mountains. There is Douglas-fir at the west end, which you normally think of for Oregon and Washington, Ponderosa Pine at the east of the Cascade crest, and treeless open grassland of eastern Oregon and Washington beyond that.

Oregon, with 4,000 kinds of plants, is third in the country behind Texas and California in number of species, and 1,000 of these are known from the gorge. This is more than most States can claim. There are northern species at the southern limit of the range; there are southern species at the northern limit of the range; there are alpine species at sealevel left behind by the Ice Age. There are also endemics, species which occur in the gorge and nowhere else on Earth. People have come from across the country and around the world to see this kind of diversity.

In 1973 when Dr. Kenton Chambers of Oregon State and I began compiling the list of rare, threatened, and endangered plants in Oregon, the area of the gorge around Rowena now proposed an SMA was already known to the British as the "great habitat." The Rock Garden Society of Scotland has come. Members of the California Native Plant Society bay area chapter have come. All of this means revenue to the towns along the gorge who supply the services, and the drawing cards are the spectacular displays of wildflowers.

This resource will continue to bring visitors if we protect the resource. Therefore, the Native Plant Societies of Oregon and Washington request that:

"Native Plants" be added to the language of S. 2055 as follows:

> In section 3. Findings and Purposes, under Purposes, (2) to protect and enhance scenic, cultural, recreation and natural resources of the Columbia Gorge, including sensitive habitats for native plants.
>
> And again in section 6, under (i), fish, wildlife and native plant habitat.

We also urge that S. 2055 as amended above be passed as soon as possible. This is the year of the gorge and the time is short.

If I can inject a little bit of levity, which may not be a bad idea at the end of this, let me quote from Daniel Webster.

Senator **Evans**. Go ahead, levity is very important at this stage. [Laughter.]

Ms. **Siddall**. When Marcus Whitman went back to try to save the Oregon Territory, Daniel Webster was then Secretary of State. If I may quote him: "What can we ever hope to do with the western coast, a coast of 3,000 miles, rockbound, cheerless and uninviting without a single harbor in it? I will never vote 1 red cent from the public treasury to place the Pacific Coast 1 inch nearer to Boston than it is now." [Laughter.]

Senator **Evans**. Given the pressures of population, we can probably say Amen. [Laughter.]

[The prepared statement of Ms. Siddall follows:]

June 17, 1986

Testimony of

JEAN L. SIDDALL
Director, Oregon Rare and Endangered Plant Project

for S. 2055

before the

Subcommittee on Public Lands and Reserved Water
Committee on Energy and Natural Resources
United States Senate

I am Jean Siddall. I am here today representing the Washington Native Plant Society, the Native Plant Society of Oregon, and the Oregon Rare and Endangered Plant Project. I am the Director of the Oregon Rare and Endangered Plant Project, a member of both the Washington and Oregon native plant societies and State Chair of the Oregon Rare and Endangered Plant Committee. Our concern is that the Columbia Gorge be recognized as an area of international importance, that legislation be passed as soon as possible designating it as a National Scenic Area, and that the native plants in the Gorge be given protection as a significant natural resource under the legislation.

I well remember my own first trip through the Columbia Gorge. We were moving from Ohio to Portland, and as we drove down the Gorge, I found myself totally overwhelmed by the grandeur of the cliffs and waterfalls, and the majesty of the River. I can remember thinking "Why have I never heard of the Columbia Gorge?" and then feeling very lucky we would be living within an hour's drive of all this. I have spent the last 19 years hiking its trails and studying its wildflowers and have not begun to see all of it. I have also been in each of our fifty states, and have seen many of our national parks from Alaska to Florida, and there is no other place like ~~the~~ Columbia Gorge. It is unique. Perhaps you have to come from somewhere else to appreciate it.

Geologically, the Gorge is literally a cross-section of the Cascade Mt. Range, and the basalts which make up its cliffs are one of the few major areas of "flood basalts" in the world. Historically, man has lived in the Gorge for at least 10,000 years, and has left his history inscribed in a wealth of pictographs and petroglyphs on the cliffs, many of which are unfortunately now under water behind dams. Sir George Simpson, in 1824, found the greatest concentration of Indians here that he had seen anywhere in North America. It was a major transportation route then, and still is today, yet there are places within 25 miles of the Portland-Vancouver metropolitan area which are wild enough to support populations of bear and elk. They deserve protection.

The Gorge is also a botanical treasury of world significance. Within the 85 miles of Gorge included in the National Scenic Area, the River flows through three distince ecosystems as it transects the Cascades. On the east end are the treeless grasslands of the Columbia Plateau. These merge with the Ponderosa pine and Oregon oak woodlands found on the east side of the Cascade crest. West of the crest there are the forests of Douglas-fir and western hemlock which most people associate with the Pacific Northwest. This part of the Gorge gets the moisture coming off the Pacific as the air rises over the Cascades.

Oregon, with 4000 kinds of plants, is third in the country (behind Texas and California) in the number of species. Rus Jolley and Lois Kemp, who have been inventorying the plants in the Gorge, have now found over 1000 of them within the National Scenic Area. Sixty-one are considered to be rare, threatened or endangered in Oregon,and 14 of these are known only from the Gorge and its adjacent tributaries.

The Gorge is the southern limit of northern species,and the northern limit for southern species. There are Rocky Mt. species which have come down river, and plants from the Rogue River which migrated up the Willamette during a much warmer climate and now form "relict" populations in the hot east end of the Gorge. Alpine species grow here at sea level, left behind by the Ice Age. The Gorge also has its own "endemics" - plants known only from the Gorge and nowhere else on earth. (I believe a list of species exemplifying these groups is included in Julia Kierstead's testimony.)

Botanists come from across the country and around the world to see and study this kind of botanical diversity. In 1973, when Dr. Kenton L. Chambers of Oregon State University and I began putting together a list of the plants which were rare, threatened and endangered in Oregon, I had calls from the State Department and the British Embassy asking, "What is the best time to see the plants in the Columbia Gorge?" The area of the Gorge around Rowena was already known ~~the~~ the British as the "great habitat." The Rock Garden Society from Scotland has also come; members of the Bay area chapter of the California Native Plant Society spent most of a week here. All of this means revenue to the towns along the Gorge who provide services to these visitors.

The drawing card is the spectacular displays of wildflowers which begin blooming at the east end of the Gorge in late February, carpet the slopes at the west end during April and May, and move into the high country by late July. This resource will continue to bring people, if we protect the resource. Our native plants deserve the legislative protection afforded by National Scenic Area status for the Columbia Gorge.

Therefore, the Native Plant Society of Oregon and the Washington Native Plant Society request that "native plants" be added to the language of S. 2055, as follows:

SECTION 3. FINDINGS AND PURPOSES
  (b) PURPOSES
    (2) to protect and enhance scenic, cultural, recreation and natural resources of the Columbia Gorge, including sensitive habitats for native plants, wildlife...
SEC. 6. ADOPTION OF THE SCENIC AREA MANAGEMENT PLAN
  (b) CONTENT OF THE MANAGEMENT PLAN
    (3) OPEN SPACES, SCENIC AND HISTORIC AREAS, AND NATURAL RESOURCES
      (i) fish, wildlife and native plant habitat

We also urge that S. 2055, as amended above, be passed as soon as possible. Thank you for the opportunity to testify at this hearing.

Jean L. Siddall
535 Atwater Road
Lake Oswego, OR 97034

RARE, THREATENED AND ENDANGERED PLANT OF THE COLUMBIA RIVER GORGE PROVINCE

Scientific name	Common name
* Agrostis howellii	Howell's bentgrass
Alisma gramineum	narrow-leaved water plantain
Allium douglasii var. nevii	Nevius' onion
Arabis furcata	Columbia Gorge rockcress
Arabis sparsiflora var. atrorubens	sickle-pod rockcress
Arenaria franklinii var. thompsonii (probably extinct)	Thompson's sandwort
Arnica amplexicaulis var. piperi	Piper's streambank arnica
* Artemisia campestris var. wormskioldii	northern wormwood
Artemisia lindleyana	Lindley's wormwood
* Astragalus hoodianus	Hood River milk-vetch
Astragalus howellii	Howell's milk-vetch
Bolandra oregana	Oregon bolandra
Botrychium lanceolatum	lance-leaved grape-fern
Botrychium virginianum	Virginia grape-fern
* Calamagrostis howellii	Howell's reedgrass
Calypso bulbosa	Calypso
Carex macrochaeta	Alaskan long-awned sedge
Castilleja rupicola	cliff paintbrush
Clematis columbiana var. columbiana	Columbia clematis
Corydalis aquae-gelidae	Cold-water corydalis
Cypripedium montanum	mountain lady's-slipper
Delphinium leucophaeum	white rock larkspur
Delphinium nuttallii	Nuttall's larkspur
Dodecatheon dentatum	white shooting-star
Dodecatheon poeticum	narcissus shooting-star
Douglasia laevigata	douglasia
Eburophyton austinae	phantom orchid
* Erigeron howellii	Howell's daisy
* Erigeron oreganus	Oregon daisy
Hackelia diffusa var. diffusa	diffuse stickweed
Hemitomes congestum	hemitomes
Heuchera grossularifolia var. tenuifolia	thin-leaved alumroot
* Hieracium longiberbe	long-bearded hawkweed
Howellia aquatilis	howellia
Lewisia columbiana ssp. columbiana	Columbia lewisia
Linanthus bakeri	Baker's linanthus
Lindernia anagalloides	long-stalked lindernia
Lomatium columbianum	Columbia Gorge lomatium
* Lomatium laevigatum	smooth desert parsley
* Lomatium suksdorfii	Suksdorf's lomatium
* Lupinus latifolius var. thompsonianus	Thompson's lupine

*Known only from the Columbia River Gorge and adjacent tributaries

Rare, Threatened and Endangered Plants of the Columbia River Gorge - page 2

Lycopodium annotinum	stiff club-moss
Lycopodium selago	fir club-moss
Meconella oregana	Oregon meconella
* Penstemon barrettiae	Barrett's penstemon
Penstemon glandulosus	glandular penstemon
Penstemon subserratus	subserrate penstemon
Pleuricospora fimbriolata	fimbriate pinesap
* Poa gracillima var. multnomae	Multnomah bluegrass
Ranunculus lobbii	Lobb's buttercup
Ranunculus macounii var. oreganus	Macoun's buttercup
* Ranunculus reconditus (probably extinct in Oregon) [illegible]	Dalles Mt. buttercup
Rorippa columbiae	Columbia cress
Sagittaria latifolia	Wapato, Indian potato
Scirpus cyperinus	woolgrass
Scribneria bolanderi	Bolander's scribneria
Suksdorfia violacea	violet suksdorfia
Sullivantia oregana	Oregon sullivantia
* Synthyris stellata	Columbia synthyris
Tauschia stricklandii	Strickland's tauschia
Tiarella laciniata	cut-leaf foamflower

Compiled
by Jean L. Siddall, Director
Oregon Rare and Endangered Plant Project
March 1983

Senator EVANS. At least in terms of being near to Boston.
Next is Mr. Alan Merson.

STATEMENT OF ALAN MERSON ON BEHALF OF THE WASHINGTON ENVIRONMENTAL COUNCIL, EDMONDS, WA

Mr. MERSON. Senator Evans, ladies and gentlemen, I would like to move from levity perhaps to levitation, because it seems to me that the mere fact that hearings are being held on this legislation does represent a miracle of sorts. It shows how far we have come.

I for one would like to express my appreciation and counter the opinion of Mr. Parks who spoke on behalf of the National Inholders Association earlier in which he accused this panel of never having had a chance to hold field hearings, or to consider deeply the feelings of those living in the gorge.

I for one have attended a number of hearings conducted by Members of this subcommittee, and I know how deeply all of you have investigated the issue and have tried to come up with a constructive solution. I also want to point out that the environmental community has come a long way, speaking of levitation.

They initially opted for the National Park Service to administer this magnificent area, and I think it is only because of their willingness somehow to move toward a compromise position to come up with legislation, that at least, will protect what we have left in the gorge that they are now working with people who once were their adversaries in coming up with this legislation.

I do, however, think it is terribly important to focus on the one issue that concerned you, Senator, throughout these hearings. If I can in any way respond to your concerns, I would like to do so. That is, the question of enforcement and whether or not it is going to be discretionary or mandatory.

As a former law professor and as a resource manager for a number of years, I guess my observation is that certainly every bureaucrat, everybody who is in a position of authority, wants to have discretion to use his own best judgment as he will. I think the quotes from the Oregon Dunes National Recreation Area legislation are apt. But I think we ought to remember that in that legislation you have a unified manager. You have the Forest Service basically as an entity given responsibility for administering that area.

We are talking here about a very diverse body, a commission composed of 12 people holding varied opinions. It seems to me the environmentalists at this point, having finally accepted a two-tiered management approach such as is embodied in S. 2055, if you take away now the one chance to focus responsibility, to say the buck stops here, it stops with this commission, and you do not provide some clear guidelines for that commission to act and say to them, ladies and gentlemen, if you find that management plans are not being drawn up in accordance with the wishes of the commission at the local level, then you have the choice of deciding whether or not to take action, I am not sure what we have won.

I am not sure in fact that we really have a workable framework for achieving protection of the gorge. So, Senator, I would hold myself open for questions either at the end of my testimony, or at the end of the testimony of this panel, to further discuss the issue.

I feel very, very strongly that discretion in enforcement is not appropriate. Discretion in interpreting the act and in deciding upon the adequacy of the local government's response is perfectly appropriate.

Thank you.

[The prepared statement of Mr. Merson follows:]

TESTIMONY OF ALAN MERSON
AT A PUBLIC HEARING BEFORE THE
PUBLIC LANDS AND RESERVED WATER SUBCOMMITTEE
SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES
JUNE 17, 1986

Mr. Chairman, Members of the Committee, Ladies and Gentlemen:

I am here today on behalf of the Washington Environmental Council, an umbrella organization of thousands of individual Washingtonians and virtually all major conservation groups within the State of Washington.

As a member of the legal committee of the WEC, it has been my obligation to assess ongoing threats to the ecological integrity of our state. I can say quite emphatically that we have few priorities higher than the permanent protection of the Columbia River Gorge. I say this not only as a representative of a leading environmental organization, but based upon a lifetime spent in dealing with man's impact upon the natural world. As a former regional administrator for the Environmental Protection Agency, as a former chairman of a state land use regulatory agency, as a lawyer who has served both as a city attorney and as an attorney for private developmental interests, I can assure you that without the protections afforded in a strong bill conferring National Scenic Area status upon the Columbia River Gorge, marketplace mechanisms, unrestrained as they are under current law, will insure the continuing erosion and eventual destruction of an area that would surely have preceded Yellowstone or Yosemite as our first national park, had it not constituted the vital transportation corridor to which nature consigned it by virtue of its strategic location.

It is almost a miracle that at this late date there is still time to preserve a substantial chunk of this national treasure. The abuses that have already been heaped upon this magnificant landscape have yet to deface it to the point it shall surely reach within a few short years if your deliberations this year fail to assure the national protection it deserves.

Please report out S. 2055 in a forn which will prohibit development "adversly impairing" the Gorge's values and which makes enforcement of the management plan mandatory, not discretionary.

As a former resource manager, I can assure you that nothing is more important than a firm statutory policy with unambiguous standards.

With the changes that we've suggested, S. 2055 represents as skilful a partnership between two states and between state and federal interests as anyone can imagine. It also represents a delicate balance between the creative, entrepreneurial forces of our free enterprise system and the acknowledged role of government as a conservator and steward of important public values. Under the exemptions contained in the legislation for existing urban areas, the forces of the marketplace are free to act within those boundaries, unaffected by any of the provisions of this bill. It is only appropriate that in those areas subject to the jurisdiction of the commission, the public interest not be vitiated by statutory nebulosity that will surely lead to the unguided discretion and inconsistencies of a shifting majority of commission members who have a right to look to this body for firmer guidance.

I stand, therefore, with my other colleagues in the environmental community in urging swift action on a form of S. 2055 which achieves true protection of this priceless amenity before it is too late.

Thank you.

Senator EVANS. Thank you very much.

Mr. Dennis Buchanan, Multnomah County executive.

STATEMENT OF DENNIS BUCHANAN, COUNTY EXECUTIVE, MULTNOMAH COUNTY, OR

Mr. BUCHANAN. Thank you, Senator Evans. Senator Evans, and subcommittee staff, I am Dennis Buchanan, county executive for Multnomah County and a former county commissioner. Today I speak for the board of county commissioners as well as for myself.

Located in north-central Oregon, Multnomah County with Portland as its seat of government has the largest population of all Oregon counties. While most of the county is urbanized, some of the Columbia Gorge's most popular and most scenic attractions are located within the county's boundaries. These include Multnomah Falls, Crown Point, and Lewis and Clark State Park. All are just a few minutes from Portland by car. The county also encompasses large parcels of State and Federal lands in the gorge.

Given this background, I know you can appreciate the value of the Columbia Gorge to the economy of the county and the State of Oregon in which tourism is the third largest industry. Multnomah Falls alone draws more than 2 million visitors each year. Multnomah County not only relies on the Columbia Gorge, a spectacular national treasure, as a scenic attraction for tourists, but also contributes to the advertisement and promotion of the area through the Greater Portland Convention and Visitors Service.

Accordingly, preservation of the gorge as we know it is vital to the welfare of Multnomah County and the State of Oregon. Multnomah County endorses wholeheartedly the passage of national scenic area legislation for the Columbia Gorge. We base our support of several facts, one of which is the strong belief that the gorge cannot be managed successfully by local counties.

In the first place, the counties' financial resources are too limited. As a county executive, I know and appreciate the increasingly expensive demands now being placed on county governments for the delivery of services, including some formerly provided by the Federal Government. The simple fact is that county financial resources are now strained to the limit.

Moreover, the gorge is far too complex an area for the counties to manage. As you are aware, the gorge contains six counties, two States, seven port districts, and considerable Federal land.

Land use planning historically is a difficult task for county and other local governments. Decisions to protect important scenic attractions are subject to enormous pressures from members of the construction industry, developers, labor organizations, merchants, newspapers and others. The unfortunate results all too often is a tragic compromising decision to protect valuable resources such as the Columbia Gorge.

And so, Multnomah County today endorses specific protective legislative standards for any development proposed for the gorge. These specific and strong standards would actually ease the special interest pressures on local officials by removing from their jurisdiction those decisions most often subject to controversy.

The State of Oregon's statewide land use regulations, among the most strict in the Nation, have had this beneficial result. The regulations also allow local citizens to appeal the decisions of local officials to the State, providing one more check on destructive development. I also submit that the destruction of significant areas is usually accomplished piecemeal. Bit by bit the scenic values of an area are eroded with little or no complaint from the public until the area is lost forever.

This can be prevented in the Columbia Gorge by the passage of strong, unambiguous standards. Multnomah County also strongly urges an enforcement of these standards be made mandatory, not discretionary. Standards are meaningless unless they are enforced vigorously.

In closing we urge further that a Federal-State consistency clause be included in the Columbia Gorge legislation to ensure that all Federal and State actions are consistent with the management plan developed under the act.

Thank you very much.

Senator **EVANS**. Thank you very much.

Mr. Merson, in your testimony on page 2 you had said, "Please report out S. 2055 in a form which will prohibit development 'adversely impairing' the gorge's value."

Do you have any real comment on that term "adversely impairing"?

Mr. **MERSON**. You have convinced me, Senator, based on your earlier comments, that it is not only redundant, it is probably counterproductive. I would like to at this point amend that to adopt the stance that Gail Achterman took in terms of an appropriate standard. I think that is a far more appropriate standard, to talk about no adverse impact. I think this is an awkward way to phrase it. So I would agree with you on that, sir.

Senator **EVANS**. Thank you. So you would join with Ms. Achterman.

Mr. **MERSON**. Yes, I certainly would.

Senator **EVANS**. And she had sort of the two-tiered, "no adverse effect" approach and then one that left some discretion.

Mr. **MERSON**. That is right. I think she used the word "substantial" or "significant" impact, and the other was simply "no impact." I think that is a very good formulation.

Senator **EVANS**. Thank you.

Then you go on in that same sentence of course and you say, "which makes enforcement of the management plan mandatory and not discretionary" and we have heard that a number of times today. There is of course the provisions that regard management of the gorge as they relate to all levels of government which are mandatory all through the act.

Mr. **MERSON**. That is correct.

Senator **EVANS**. They are all subject to mandamus actions in fact. The only thing that is discretionary and must be what people are zeroing in on is the provision that the Commission has some discretion in the actions it takes against other levels of government in carrying out the act, even though the other levels of government are obliged to carry out the act, and they are required to do so, and there is no flexibility.

Mr. MERSON. That is correct. I think one of the earlier speakers, though, talked about that perhaps leading to a proliferation of litigation. The point here is that if you could find some other language here, I suppose if some of us could find some language that clearly places responsibility on the Commission to make sure that the other levels of government are carrying out their responsibilities, I do not think there is anything magical about changing "may" to "shall" in that sentence. It seems to me there may be another formulation that would satisfy that.

I think our concern is that if you do not put the Commission on the spot, saying the buck stops here, that you have defused the decisionmaking.

Senator EVANS. Yes; and it looks as though that is an area where we have got to search out some language that seems to do the job adequately and still leaves some modicum of management flexibility, which I think is important.

Mr. MERSON. I would agree.

Senator EVANS. Brot, you commented on essentially the same elements of strengthening the legislation. On the Secretary's veto, would you feel it would be adequate if there should be a difference between the primary and the secondary time that you bring the plan in front of the Commission with a difference in votes, with a simple majority the first time around—seven votes with at least three from each State, so you would not have a majority, but you would have at least half from each State supporting it—and then a two-thirds' majority when they came back. I think someone else pointed out earlier that the two-thirds' majority as it is now written does not require a certain number from each State, and I think that is probably an oversight.

If you are going to consider both States, you probably ought to override with four votes from each State, as well, or at least three?

Mr. BISHOP. I do not think I can comment too much more on that. That seems like a very complicated problem. I think this is safer to have nine. That is my personal viewpoint.

Senator EVANS. You want to be real safe. [Laughter.]

I think that does it for questions. I think we are zeroing in with each passing panel here, zeroing in on some of the things that are of greatest importance. Whoever said this is the year, I guess Ms. Siddall you said this was the year, and we have got to work fast if it is going to be the year. We have precious little time left, but I think there is great interest on our part if we can find the right hole in the Senate floor activity and get the House moving, maybe there is still a chance.

Mr. BISHOP. If I could comment?

Senator EVANS. Yes, Brot.

Mr. BISHOP. In the bylaws of our company, action by the board of directors requires unanimous consent. That has worked very well for many years. [Laughter.]

Senator EVANS. If you can figure out how to do that, can you let me know? [Laughter.]

I can think of all sorts of places where that could be useful, the Senate of the United States, the United Nations, arms control talks, all sorts of things. I appreciate that very much, and your participation.

Let us call panel 16. Mr. John Platt, president, Oregon Wildlife Federation; Mr. David Alberswerth, National Wildlife Federation; Ms. Harriet Burgess, vice president, Trust for Public Lands; Mr. Chris Brown, conservation director, American Rivers Conservation Coalition; Ms. Anne Bringloe, chief, Sierra Club's Columbia Gorge Task Force; and Mr. Paul Pritchard, president, National Parks and Conservation Association.

And let us get the next panel on deck: Mr. Rodger Krijanovsk; Ms. Kris Hudson; Ms. Ruth Coffin; Ms. Kate McCarthy; Mr. Millard McClung; and Mr. Alan Comp.

With that, John, proceed.

STATEMENT OF JOHN C. PLATT, PRESIDENT, OREGON WILDLIFE FEDERATION, HILLSBORO, OR

Mr. PLATT. Thank you, Senator.

Senator, I would like to say before I start that this statement was approved by the Oregon Wildlife Federation Board and membership at a meeting in Baker this weekend by unanimous consent, as it turns out.

Senator, first of all I would like to say I am John Platt, president of the Oregon Wildlife Federation. This year the Oregon Wildlife Federation celebrates its 50th anniversary, which seems to coincide as well with the 50th, or almost the 50th anniversary for the Bonneville Project Act, as well as the Federal Power Act from 1934, which in this case while they certainly did benefit the people of the Northwest, had a rather devastating effect upon the fish and wildlife resources that occupied the habitat affected by mainstem tributary dams.

The people of the Pacific Northwest have learned much since 1936. Just recently the Northwest Power Planning Council released its study of fishery losses in the Northwest and came to the conclusion that adult run size of salmon and steelhead into the Columbia was reduced by 10 to 14 million fish as a result of development in the Columbia Basin. Of that amount, losses of from 5 to 8 million are directly attributable to hydroelectric development.

Further, the cumulative losses of adult fish to the basin total between 160 million to 300 million adult fish since construction of the dams. Certainly with figures like these in mind, is it not time for Congress to say enough is enough?

That is the reason that OWF supports the designation of certain Oregon Gorge tributaries as wild and scenic rivers in order to preserve the few free-flowing stretches that still exist as habitat for fish and wildlife.

Specifically, OWF supports the inclusion of the Lower Deschutes as an instant addition to the Wild and Scenic Rivers System in order to preserve the scenic character and fish and wildlife resources of that river. In order to accomplish this objective, OWF suggests that an amendment to S. 2055 recognize and preserve the existing territorial jurisdiction and treaty rights of the Confederated Tribes of the Warm Springs Reservation of Oregon.

OWF also supports designation of the lower 12.5 miles of the Sandy as an instant addition, and we request a study of the remaining 36.4 miles as a possible addition to the national system.

We are especially concerned about the many hydroelectric permits pending in the Hood River Basin. Because Hood River contains valuable salmon and steelhead habitat as well as a variety of mammal, bird, and vegetative species unique to the transition area between eastern and western Oregon, OWF believes that a total of 70 miles of the Hood River and its tributaries should be studied by the National Park Service for wild and scenic river designation.

In general we are pleased that gorge protection is imminent but concerned that S. 2055 is not sufficient to withstand some of the development pressures that are building in the gorge. In this regard, we request that you give serious consideration to substituting the Department of the Interior acting through the National Park Service as the lead agency in consultation with the Forest Service.

We also suggest that the legislation explicitly provide that hunting and fishing are permitted in the protected gorge areas.

Mr. Chairman, since time immemorial the Columbia Gorge has been a passageway, a living place, and a source of sustenance for the human beings and the fish and the wildlife that inhabited the place we now call Oregon. If the last 50 years are any indication, the trends indicate that we have taken too much from the river and its gorge and we need to give the land and water time to replenish. It is in this vein that OWF offers these comments and we hope you will consider them in the same context. Thank you.

Senator EVANS. Thank you very much. That is about as close a call as I have seen so far today. Very good.

Mr. David Alberswerth.

STATEMENT OF DAVID ALBERSWERTH, DIRECTOR, PUBLIC LANDS AND ENERGY DIVISION, NATIONAL WILDLIFE FEDERATION

Mr. ALBERSWERTH. Mr. Chairman, thank you very much for the opportunity to present the views of the National Wildlife Federation on the Columbia Gorge National Scenic Area Act of 1986.

My name is David Alberswerth, and I am the Director of the National Wildlife Federation's Public Lands and Energy Division.

We wholeheartedly support the position of our Oregon affiliate, the Oregon Wildlife Federation, with regard to this matter. The National Wildlife Federation has long favored permanent protection for the Columbia River Gorge. We have reviewed a number of the pending proposals. We have the following suggestions:

We would like to see National Park Service administration of the Gorge and leadership in the development of the overall management plan.

We think it is very important that interim protection be provided prior to the development of the final management plan. This is necessary in order to prevent any degradation of the environmental values of the Gorge prior to adoption and implementation of that plan.

We are very interested in the designation of the same reaches of the Sandy, Hood, and the Deschutes Rivers in Oregon and the White Salmon, Salmon, and Klickitat in Washington for Wild and Scenic Rivers' designations. We also believe that a major purpose of the legislation should be to protect fish and wildlife habitats in the gorge and the tributaries of the gorge. Hunting and fishing should be allowed to continue in areas where these activities are customarily pursued for both management purposes and outdoor recreation.

Finally, we are very pleased that there appears to be a consensus among the Oregon and Washington congressional delegations that Federal legislation is needed to protect the unique values of the Columbia Gorge as a national heritage. Though S. 2055 is not as strong a bill as we believe is necessary to protect the gorge, it is a step in the right direction. We ask that the sponsors of this bill seriously consider the package of proposals known as the conservationists' amendments in order to strengthen S. 2055.

Thank you.

Senator EVANS. Thank you very much.

[The prepared statement of Mr. Alberswerth follows:]

NATIONAL WILDLIFE FEDERATION
1412 Sixteenth Street, N.W., Washington, D.C. 20036-2266 (202) 797-6800

STATEMENT OF

DAVID ALBERSWERTH

OF THE

NATIONAL WILDLIFE FEDERATION

BEFORE THE

SENATE SUBCOMMITTEE ON

PUBLIC LANDS, RESERVED WATER AND RESOURCE CONSERVATION

REGARDING

S. 2055

THE "COLUMBIA GORGE NATIONAL SCENIC AREA ACT OF 1986"

June 17, 1986

Mr. Chairman and members of the subcommittee, thank you for the opportunity to present the views of the National Wildlife Federation (NWF) on S. 2055, the "Columbia Gorge National Scenic Area Act of 1986." My name is David Alberswerth and I am Director of NWF's Public Lands and Energy Division. The National Wildlife Federation is the nation's largest conservation/education organization, with over 4.5 million members and supporters in all 50 states, including the states of Washington and Oregon, and two territories. We have long sought the protection and proper management of fish and wildlife habitats, and the awesome beauty of our American land.

The National Wildlife Federation has long favored permanent protection for the Columbia Gorge. After reviewing the alternatives which have been proposed, including S. 2055, H.R. 4221, H.R. 4161, and H.R. 4114, we believe that any legislation developed to protect the scenic and cultural attributes of the Columbia Gorge should at minimum contain the following elements:

National Park Service Administration and Management Plan

While local and state participation is an essential component of protection for the Columbia River Gorge, these entities alone are not well suited to manage this nationally significant resource, adequately. The National Park Service, on the other hand, has the skills and experience necessary to properly manage an area as large, complex and diverse as the Columbia Gorge. Local and state interests should be represented through the establishment of an advisory commission, which should also have responsibility for developing a management plan for the Gorge in concert with the National Park Service.

We note that the U.S. Forest Service has managed its Columbia Gorge lands reasonably well, and potentially could manage the entire Gorge national scenic area. However, we recommend management by the National Park Service for the following reasons.

First, the National Park Service has greater experience in managing large, diverse and complex areas of national significance located near major urban areas. Examples include Golden Gate National Recreation Area outside of San Francisco, Gateway NRA adjacent to New York City, and Chatahoochee NRA in the Atlanta area.

Second, the Park Service has had more experience in the design and use of high quality facilities for historical and cultural interpretation. Such interpretation should be an integral part of a Columbia Gorge National Scenic Area. Sites within the Gorge which merit such interpretive services include Lewis and Clark campsites, the Oregon Trail, and extensive prehistoric Indian cultural artifacts, including some of the Northwest's finest examples of Indian petroglyphs and pictographs.

Third, the Park Service has a special purpose mandate enunciated in the National Park System Organic Act of 1916, in contrast to the Forest Service's multiple-use charge. Though the National Wildlife Federation usually favors multiple-use, in the case of the national-interest lands comprising the Columbia Gorge, we feel that the emphasis should be placed on protection of the special values represented in the Gorge area, and not on varied uses.

Interim Protection

The Act should provide interim protection for all lands within the scenic area while a management plan is being developed and activated. This is necessary in order to prevent any degradation of the environmental values of the Gorge prior to adoption and implementation of the management plan.

Tributary Protection

We recommend that the following tributaries be included in our nation's Wild and Scenic River System as part of the overall Columbia Gorge protection "package": the Sandy, Hood, and the lower reaches of the Deshutes Rivers in Oregon; and the Wind, Little White Salmon, White Salmon, and Klickitat in Washington. Wild and Scenic River designations would protect these streams variously from hydroelectric dam construction, logging, and real estate developments which threaten scenic, fisheries and wildlife values.

For example, the Hood River is well known locally for its steelhead fishery, and also supports winter steelhead, spring and fall Chinook salmon, coho salmon, cutthroat and rainbow trout. But several hydroelectric power development projects have been proposed in the Hood River basin. Wild and Scenic status would protect this valuable recreation stream from hydroelectric development.

Another example is the Sandy, which supports a winter run of steelhead, plus coho and Chinook salmon, cutthroat trout and shad. Though there are apparently no current hydroelectric dam applications pending, Wild and Scenic designation would afford this stream some protection from encroaching suburban developments.

Fish and Wildlife Protection

A major purpose of the legislation should be to protect fish and wildlife habitat. Hunting and fishing should be allowed to continue in areas where these activities are customarily pursued, for both management purposes and outdoor recreation.

The Columbia Gorge Scenic Area is an exciting proposal. We are very pleased that there appears to be a consensus among the Oregon and Washington Congressional delegations that federal legislation is needed to protect the unique values of the Columbia Gorge as a national heritage. Though S. 2055 is not as strong a bill as we believe is necessary to protect the Gorge, it is a step in the right direction. We ask that the sponsors of this bill seriously consider the package of proposals known as the "conservationists' amendments" in order to strengthen S. 2055.

We appreciate the efforts of the Washington and Oregon delegations on this issue, and look forward to making a constructive contribution to the creation of the Columbia Gorge Scenic Area.

Senator **Evans**. Ms. Harriet Burgess.

I might say in passing just before Harriet, starts that we all owe you and the people who work with you an extra vote of thanks for the stalwart work you have done in heading off some troublesome problems during the gestation period of this act. Many have worked, but the Trust for Public Lands has been remarkably helpful and we thank you very much.

STATEMENT OF HARRIET BURGESS, VICE PRESIDENT, TRUST FOR PUBLIC LANDS, SAN FRANCISCO, CA

Ms. **Burgess**. Thank you very much.

It is redundant. I am Harriet Burgess. I am vice president of the Trust for Public Land, a national, nonprofit land conservation organization. By way of introduction, the Trust for Public Land, TPL, assists Federal, State, and local government agencies in protection of resource lands for future generations. Nationally, this has enabled the public acquisition of more than 300,000 acres of habitat, recreational, and scenic open space during the trust's 13-years.

In 1979 TPL conveyed—well, we actually acquired 519 acres in the inholding in the Mount Hood National Forests. Over the past 7 years, TPL's work in the Columbia Gorge has assisted the public protection of more than 2,000 acres of threatened gorge lands, including substantial additions to the two national forests, the Oregon State Park System and the creation of a new wetland wildlife refuge.

We continue to work with the Forest Service State Park departments and other agencies to protect the gorge. The trust currently holds property interest in and exclusive purchase options over nearly two dozen other gorge properties.

In the course of our work, the trust has encountered widespread support for the notion of a concerted, programmed gorge preservation effort. We have also come up against two major arguments against it. First, some critics contend that a supposed dearth of willing sellers carries an attendent threat of widespread condemnation.

Second, some projections for land acquisition costs go clear off the charts. From our experience, I can tell you that there is no shortage of willing sellers in the gorge. TPL has been contacted by far more landowners than we could ever help who have hoped to see their lands purchased and publicly protected. If just the willing-seller parcels up and down both sides of the gorge were publicy acquired, the result could be a major conservation accomplishment.

I can also tell you from our experience that land values are stable, not having risen appreciably since 1980. And that the $35 million land acquisition ceiling in the proposed legislation will allow a successful comprehensive preservation program.

Nearly 60 percent of the 108,000 acres in the special management areas to be managed by the Forest Service already are in public ownership. Most additional lands can be acquired where willing-seller opportunities arise and where resources are threatened.

We estimate for example that the entire Burdoin Mountain/Catherine Creek region, could be preserved for about $2 million and that the entire Oregon portion of the gates of the gorge and the Mount Pleasant area on the Washington side could probably be protected for less than $10 million. Both these areas face serious development threats.

Easement acquisition can reduce the cost of gorge protection, but only where landowners are committed to staying on their land and to keeping it in its traditional uses. Elderly landowners hoping to relocate in urban areas usually need to get cash value from their gorge properties. And developers and speculators and other absentee owners simply have no interest in selling off development value.

Acquisition through exchange is another cost-effective prospect but not for the small fragmented ownerships right on the river. They are more appropriately used for larger timber company holdings further back.

I would like to just add one other comment, in that the historic highway is such a treasure and it would just be a crime not to restore the closed portions to hiking and preserve the operating portions and restore them, too.

[The prepared statement of Ms. Burgess follows:]

THE
TRUST
FOR
PUBLIC
LAND

Testimony of Harriet Burgess
Vice President, The Trust for Public Land
before the
U.S. Senate Committee on Energy and Natural Resources
Subcommittee on Public Lands, Reserved Water, and Resource Conservation
June 17, 1986

My name is Harriet Burgess. I am Vice President of The Trust for Public Land, a national, nonprofit land preservation organization.

By obtaining exclusive purchase options, easements, and full fee title to threatened resource lands, the Trust for Public Land affords interim protection to critical properties prior to their acquisition by public agencies. Since 1979, our work in the Columbia River Gorge has enabled the public acquisition of more than 2,100 acres of important scenic, habitat, and recreation lands. Most recently, we assisted the U.S. Fish and Wildlife Service and the Washington Department of Game in the creation of the Steigerwald Lake National Wildlife Refuge just east of Camas, WA.

Other TPL-assisted land acquisitions in the Columbia Gorge have been made by both the Gifford Pinchot and the Mount Hood National Forests and the Oregon State Parks Department. We currently are working to complete a land conveyance to the Washington State Parks system. At present, the Trust holds property interests in and exclusive purchase options over nearly two dozen other Gorge properties. TPL continues to work with the Federal land management units in the area and the two State Parks Departments as well as with such diverse agencies as the State Departments of Game, the Columbia Gorge Commission, the Army Corps of Engineers, the Bonneville Power Authority, and the Northwest Power Planning Council to ensure that the nationally significant resources of the Gorge are preserved for future generations.

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In our work in the Gorge, the Trust has seen a great deal of support for the notion of a concerted, programmed Gorge-preservation effort. We also have seen some resistance to the idea. Criticism of the concept of coordinated public acquisition and management generally has been levelled on two grounds. First, some critics contend that a supposed dearth of willing sellers carries an attendent threat of widespread condemnation. Second, it is suggested that acquisition as authorized by the pending Gorge Legislation is a sure-fire "budget-buster". Our experience in the Gorge suggests that both these arguments are dubious.

Over the past seven years, The Trust for Public Land has been contacted by hundreds of landowners wishing to sell their Columbia Gorge properties for eventual public protection. The deluge of offers, many from elderly landowners who wish to move to the more convenient Portland/Vancouver area, has been far greater than the Trust's limited resources can handle. As a result, the Trust regrettably has had to turn away many willing sellers that it has been unable to accommodate. Based on our experience, there is no shortage of willing sellers on either side or at either end of the Gorge. Preservation of willing-seller properties alone in the Gorge would be a major achievement in resource conservation.

Based on the Trust's rather wide experience with area land values, the arguments against Gorge protection that center on astronomical projections of land acquisition costs also are unfounded. Of the 108,204 acres contained within the proposed Special Management Areas to be administered by the U.S. Forest Service, more than 60,000 acres already are in public ownership. Many of the private properties comprising the remaining 48,000 acres can, should, and will remain in private hands. Only in those cases where willing-seller acquisition opportunities arise or where resources are threatened by potential land-use changes will lands be publicly acquired.

Since 1980, land values in the Gorge have remained stable -- in fact, they have actually declined slightly -- due in part to low timber prices. Acquisition of key properties in the Special Management Areas, based on current appraisals and estimates of fair market property values in the area, is eminently affordable. We estimate, for example, that the entire Burdoin Mountain/Catherine Creek region, now threatened by the sort of large-lot rural subdivision that has begun to change the landscape at Rowena Dell immediately across the river, could be preserved for about $2 million. The entire Oregon portion of the "Gates of the Gorge" area, stretching west from the Mount Hood National Forest to the Sandy River, could probably be protected for less than $10 million. (In this area, as in the Washington-side Gates of the Gorge area west of Beacon Rock State Park, pressures for suburban short-plat subdivision is intense.) All in all, we believe (and Forest Service estimates suggest) that the $35 million acquisition funding ceiling authorized in the proposed legislation is adequate for a comprehensive resource preservation program in the Gorge.

Easement acquisition, where appropriate, can help to reduce the cost of Gorge protection. But easements can be successful only in certain cases. Elderly landowners hoping to relocate to urban areas usually need to get the cash value from their Gorge properties. Developers, speculators, and other absentee owners invariably are similarly unwilling to consider less-than-fee sale. Easement protection can succeed with farmers, ranchers, and others committed to remaining on their land and to keeping it in traditional uses. The Trust has been approached by roughly a half-dozen such landowners.

Acquisition costs also will be held down through land exchanges of larger, generally corporate-controlled tracts. While the private riverfront acreage is composed largely of small, fragmented ownerships, much of the land further back from the Columbia consists of large timber-companies holdings. Though the smaller tracts owned by individuals ordinarily will require cash purchase, these larger tracts are good prospects for Forest Service Service timberland exchanges.

Forest Service land acquisition in the Special Management Areas, of course, will be only part (albeit a substantial part) of the coordinated effort to preserve the Gorge's unparalleled resources. The Trust also urges restoration of key sections of the old Columbia Gorge Scenic Highway and protection of its scenic corridor. The historic Scenic Highway, dedicated 70 years ago, is an exquisite accomplishment of engineering and design that truly does justice to its magnificent surroundings. We also urge that some sections of the standard-voltage power lines along Interstate 84 be buried to restore the scenic integrity of critical areas on the Oregon side of the river.

Senator EVANS. Thank you very much.

Mr. Chris Brown.

STATEMENT OF CHRISTOPHER N. BROWN, CONSERVATION DIRECTOR, AMERICAN RIVERS CONSERVATION COUNCIL

Mr. BROWN. Thank you, Mr. Chairman. I am the conservation director of the American Rivers Conservation Council, and I appreciate your interest and the interest of the other three Senators from the region in protecting the Columbia Gorge.

Our interest is very specific; it is in rivers. And I thought at this point in the hearing, we might not have heard very much about the tributaries, but we have heard a lot, and I will very briefly summarize our position.

We see the Columbia as an extraordinary area not just because of the gorge itself but because of the some 500 miles of tributaries that are feeding into the gorge, four major tributaries on the Washington side, three major tributaries on the Oregon side.

When we looked at this legislation, we asked ourselves three questions. One: What are the values of these rivers? Second, what are the threats to the rivers? And third, how are the rivers currently protected? I think we have had a lot of testimony today about the recreational, fishing, and ecological values of the tributaries. We have also had a number of the witnesses speak about the threats from subdivision and development from logging, from hydropower for example on the Hood River. I think it is pretty clear that there are threats to a number of the values of these rivers.

In terms of protection, two of the rivers on the Oregon side are protected under the Oregon Scenic Waterways Program, but they are not fully protected from hydropower development, among other things. The rivers on the Washington side are protected in a sense with a shoreline of statewide significance. But I think this is a fairly limited form of protection. And we very much favor study or designation of all these rivers for the National Wild and Scenic River System.

The rivers on the Oregon side that are already in the State's Scenic Waterways Program, we would favor for instant designation. The other five rivers for wild and scenic study. And the total here we are talking about is something on the order of 500 miles of rivers that are possible for temporary or permanent protection. And I think it would be an extemely worthy and really necessary addition to the bill S. 2055.

Thank you.

Senator EVANS. Thank you.

[The prepared statement of Mr. Brown follows:]

ARCC American Rivers Conservation Council
322 4th Street, N.E. Washington, D.C. 20002 Telephone (202) 547-6900

Testimony of Christopher N. Brown

Conservation Director, American Rivers Conservation Council

on

S. 2055, The Columbia River Gorge National Scenic Area Bill

before

The Public Lands, Reserved Water, and Resource

Conservation Subcommittee

Tuesday, June 17, 1986

Thank you, Mr. Chairman, for the opportunity to testify on S. 2055, a bill to establish the Columbia Gorge National Scenic Area. I commend Senators Evans, Packwood, Hatfield, and Gorton, the cosponsors of the bill under consideration today, for their efforts to protect and preserve the Columbia River Gorge area. American Rivers Conservation Council strongly supports the preservation of the Columbia River Gorge. However we recommend additions to this legislation to protect the tributary rivers to the Gorge. Specifically, American Rivers urges this subcommittee to amend S. 2055 to provide for Wild and Scenic designations or studies for seven of the major tributaries that flow through the proposed scenic area.

My name is Christopher N. Brown and I am the Conservation Director of the American Rivers Conservation Council (ARCC). American Rivers is the only national conservation organization dedicated exclusively to the preservation of free-flowing rivers. In its 13 year history, American Rivers has worked to protect rivers under the Wild and Scenic Rivers Act and has actively assisted states and local groups with their river conservation efforts. The American Rivers Conservation Council has over 6,000 members.

The Columbia River Gorge is an area of invaluable natural resources which supports abundant fish and wildlife populations,including 3 federally-listed endangered species. The gorge is renowned for its spectacular scenery and is widely used for fishing, boating and hiking. The convergence of unique natural features make the gorge a nationally significant resource that warrants protection.

The various activities and land uses in the area are currently under the administration of some 50 agencies and organizations. There is no one agency, whether federal, state or regional, with the comprehensive authority to resolve single issues or make decisions on resource use. The goal of legislation concerning the Columbia River Gorge should be comprehensive management and coordinated planning for the entire region.

In order to achieve comprehensive management of all the Gorge's resources, adequate protection must be extended to the tributary rivers, which are integral components of the gorge. Failure to protect these tributary rivers, and their subsequent degradation, will result in adverse effects on the Columbia River, and will lead to the eventual diminishment of the scenic area which is to be established. The current proposal, S.2055, fails to address the protection of these rivers in a consistent manner.

There are seven major tributaries to the gorge: the Klickitat, White Salmon, Little White Salmon, and Wind rivers in Washington, and the Deschutes, Hood, and Sandy Rivers in Oregon. Several of the rivers flow through urban areas, which are exempt from the provisions of this legislation. Only parts of 2 of these rivers, the Klickitat and the Sandy, are included in federal Special Management Areas; this federal protection should be extended to all of the tributaries. All seven rivers should be considered for inclusion in the National Wild and Scenic River System. Yet in the current proposal only a segment of one river, the White Salmon, is recommended for a Wild and Scenic study.

American Rivers believes that this problem of inconsistent management can best be solved through federal protection of the tributary streams. This can be accomplished through inclusion of the tributaries in the Special Management Areas and by inclusion in the National Wild and Scenic River System. Only inclusion in the National Wild and Scenic River System prohibits the Federal Energy Regulatory Commission (FERC) from licensing hydro projects on these streams. Also, federal agencies with holdings on the river corridor would be under clear direction to manage their lands to protect and enhance the wild and scenic resources of the area.

While valued as tributaries to the mighty Columbia, these beautiful rivers merit protection in their own right. Three of the tributaries, the Deschutes, the Wind and the Klickitat, are included in the Nationwide Rivers Inventory, which is a National Park Service listing of rivers which qualify for further study for inclusion in the Wild and Scenic River System.

Several of the tributaries already enjoy limited protection by the states. Each of the four tributaries in Washington is classified as a "shoreline of statewide significance". With this designation, a permit is required for development within 200 feet of the river. A 100 mile segment of the Deschutes River and a 12.5 mile segment of the Sandy River are included in the Oregon Scenic Waterways Program. Under this program rivers are protected from water and mining projects, and all lands within 1/4 mile of the river are subject to land-use restrictions. Land use permits are issued by the Oregon State Transportation Commission, and a citizen's advisory committee reviews the management of rivers in the system. The program is one of the nation's best state river conservation programs. But federal laws, including licensing of hydro projects, can override state protections.

These rivers are also valued as fish and wildlife habitats. The Little White Salmon supports 2 hatcheries for anadromous fish and a resident population of rainbow trout. The Klickitat, Wind, Sandy and Deschutes Rivers also host populations of salmon and steelhead. Wildlife populations include the endangered bald eagle on the Sandy and Deschutes Rivers, osprey on the Wind River, and black-tailed deer, black bear, and coyote along most of the streams. The White Salmon valley is especially important as a wintering range for deer.

The tributaries are significant in terms of recreational use. The Hood River receives approximately 1,000,000 recreational visits annually. The Wind, Klickitat, and White Salmon Rivers have received overall ratings of "high" and "substantial significance" on a National Park Service recreation evaluation. The survey is based on evaluations of activities such as whitewater boating, and kayaking, camping, picnicking, and backpacking along the rivers.

Among the threats to the tributaries are the following:

Suburban development presents a significant threat to the tributary rivers. The Skamania County Planning Commission recently approved a 41-house subdivision (with septic tanks) on the lower Wind River, raising local concerns about preservation of the primitive quality of the river corridor. Over one million people live within 40 miles of the wild stretches of the Sandy River, illustrating the fact that comprehensive planning and protection are vital to ensure that continued growth and expansion of urban areas does not adversely affect the nearby gorge tributaries.

Hydropower development also presents a substantial threat to these rivers. The "National Hydroelectric Power Resources Study", conducted by the Army Corps of Engineers in 1981, lists a total of 58 potential hydroelectric projects on the seven tributaries. The Hood River in particular is seriously threatened by hydropower projects; the FERC has already granted one preliminary permit and has received 6 other permit applications for hydro projects. Skamania County and Clark County Public Utility Districts (PUD) recently applied for a permit to study the feasibility of placing a hydroelectric project on the lower Little White Salmon River. Hydroelectric development will seriously affect fish and wildlife populations and recreational activities on these rivers.

I would add that these hydro projects are part of the notorious national hydro boom of the last decade, a boom created and sustained by non-market incentives for new hydro development rather than by the need for power. The decade has seen a hundredfold increase in the number of applications to the FERC for hydro licenses, permits and exemptions. There were 7000 such applications in the period 1980-1985. Rivers such as the Deschutes have been disproportionately threatened, with 10 applications on a 35 mile stretch. Protection of a few outstanding river miles as part of the Columbia River Gorge National Scenic Area will be one small step in correcting the current national imbalance in the use of our rivers.

American Rivers believes the seven tributaries are an integral component of the scenic area which this legislation is seeking to protect. The specters of unplanned residential development and hydroelectric projects threaten to degrade not only the tributaries but the entire gorge. We therefore believe that this legislation must include provisions for federally authorized Wild and Scenic studies or designations for the tributaries. Only then will these special rivers receive the comprehensive management and planning they deserve.

Because the Sandy and Deschutes Rivers have already been studied and included in the Oregon State Scenic Waterways Program, American Rivers recommends that instant Wild and Scenic designations be made on these segments.

Wild and scenic river studies should be undertaken on the remaining major tributaries to provide temporary protection and evaluate them for possible inclusion in the Wild and Scenic River System.

The ultimate goal of this legislation is the preservation of the natural values of the area, and it simply cannot be reached without adequate protection of the tributaries.

American Rivers recommends the following:

Wild and Scenic River designations for:

1. Deschutes River, Oregon: 100 miles, from the Pelton Dams to its confluence with the Columbia River, to be administered cooperatively with the

state.

2. Sandy River, Oregon: 12.5 miles, from Dodge Park (near the mouth of the Bull Run river) to Dabney Park (at the Stark St. Bridge near Troutdale), to be administered cooperatively with the state.

Wild and Scenic River studies for:

1. Klickitat River, Washington: 95 miles, entire length, to be conducted in cooperation with the Yakima Indian Nation.
2. White Salmon River, Washington: 40 miles, entire length.
3. Little White Salmon River, Washington: 18 miles, entire length.
4. Wind River, Washington: 32 miles, entire length.
5. Deschutes River, Oregon: 145 miles, from the headwaters to the Pelton Dams, to be conducted in cooperation with the Warm Springs Indian tribe. 6.
6. Hood River, Oregon: 67 miles,including its three major tributaries: 11 miles of the mainstem, 17 miles of the West Fork, 9 miles of the Middle Fork, and 30 miles of the East Fork.
7. Sandy River, Oregon: 36.4 miles, from source to Dodge Park, (near the mouth of the Bull Run river), and from Dabney Park (at the Stark St. Bridge, near Troutdale) to its confluence with the Columbia River.

Senator **Evans**. I understand Mr. Bill Linish will testify instead of Paul Pritchard; is that correct?

Mr. **Linish**. Yes, sir; if that is all right with you.

Senator **Evans**. Certainly. Please go ahead. I am sorry. I've skipped a witness. Sorry, Anne.

Ms. **Bringloe**. It is perfectly all right. I cannot believe you are so patient.

STATEMENT OF ANNE BRINGLOE, CHAIRPERSON, COLUMBIA GORGE TASK FORCE OF THE SIERRA CLUB, SEATTLE, WA

Ms. **Bringloe**. My name is Anne Bringloe. I am from Bainbridge Island, WA, and I am the chair of the Sierra Club's Columbia Gorge Task Force. This testimony represents the views of the Sierra Club, a 370,000-member national conservation organization. I have given you my written statement for the record.

First, I would like to thank Senators Evans, Packwood, Hatfield, Gorton, and their staff people for their dedication and hard work on introducing Senate bill 2055. We believe that the bill needs a little improvement to adequately protect the gorge, but we are elated at how far we have come with the issue this year.

As you probably are aware, many generations of Northwesterners have sought protection for this magnificent landscape and we hope that we can enact this in Congress, and we offer any help we can provide to that end.

As I stated a moment ago, we believe that Senate bill 2055 needs to be strengthened to adequately protect the gorge. We were a little bit reluctant to support the commission management arrangement that is the framework of Senate bill 2055. In earlier Congresses we had supported the old Packwood bill and the bills that called for a stronger Federal rule in the gorge protection. But we would now support the new framework, if it could be revised, hopefully to make it work better.

Specifically, we hope the committee will consider amendments in the following areas:

First, we would require the override of the Secretary of Agriculture decision that the management did not comply with the purposes and provisions of the act to need nine votes, not simply the eight votes it took to pass it in the first place.

Now our reasons in some ways seem a little naive to me, but it seems like we need a majority of both of the States to give us the assurance that one State is not trying to override another one when the management plan is developed. And we feel that if we used that many votes as we were developing things, we could feel confident. And then the override of that would take one more vote, and thus you have the nine votes. I do not write bills for a living, but I hope that you will take that suggestion and consider it.

Second, we would revise the standard of approval and disapproval—and this concerns the adversely impaired over the significantly impaired, but I heard testimony today from Alan Merson and Gail Achterman and we will definitely be considering what we heard today. We want the cumulative loss of the values of the area to be halted and any language that will make sure that we can accomplish that goal is the kind of language that we will agree for.

And we want to provide for mandatory enforcement of the management plan by the Commission. This will provide for certainty in management of the area and hopefully will help provide equity for the various competing uses of the gorge. With these three recommendations, we think we would go a long way in providing the kind of workable, long-term protection that the gorge needs.

We also believe in tributary protection much as you heard from the person who testified before me, and we think that not protecting its tributaries would be a big mistake.

And last, we believe that the area around the Governor Tom McCall Nature Preserve in the Rowena area deserves protection in an additional 7,000-acre special management area. And there is a map at the end of my written testimony which gives you an idea of where that is.

Thank you, again, for your hard work and hopefully we will come up with an equitable plan to finally protect the gorge.

[The prepared statement of Ms. Bringloe follows:]

TESTIMONY OF
ANNE BRINGLOE
CHAIRPERSON, COLUMBIA GORGE TASK FORCE OF THE SIERRA CLUB
BEFORE THE
SUBCOMMITTEE ON PUBLIC LANDS, RESERVED WATER AND RESOURCE CONSERVATION
OF THE
UNITED STATES SENATE
CONCERNING THE
COLUMBIA GORGE NATIONAL SCENIC AREA ACT
S.2055
JUNE 17, 1986

Mr. Chairman and members of the Subcommittee, I am Anne Bringloe. I am the volunteer Chairperson of the Sierra Club's Columbia Gorge Task Force and also the Chairperson of the Sierra Club's national caucus of Regional Vice-Presidents. I am a resident of Bainbridge Island, Washington.

My comments today reflect the position of the Sierra Club, a national citizen conservation organization with approximately 370,000 members.

We are extremely grateful for the opportunity to testify and very pleased that the Committee has scheduled these hearings. We sincerely hope that this is an indication of your interest in the resolution of this issue in this Congress. For many decades residents of the Pacific Northwest have urged that protection be given to the Columbia River Gorge. While some important issues remain to be resolved among the various forms of the legislation, we remain committed to working out those differences in a timely manner. We look forward to legislation this Congress.

The Columbia Gorge is truly one of the most magnificent landscapes on the planet and the sea level passage through the Cascade Mountain range has produced an ecological gem as well. Here in the space of merely 85 miles the ground cover changes from a dripping Douglas fir rainforest in the west to a dry sagebrush steppe on the east. In addition to all of the natural beauty and variety of the landscape, the Gorge is an historical treasure trove as well. Human prehistory is graphically revealed in ancient campsites and petroglyphs. The modern landscape demonstrates the recent but facinating story of the harvesting of the river's power for hydroelectricity.

We have long felt that this 100-mile stretch of the Columbia River Gorge from approximately the mouth of the Deschutes River to the outskirts of the Portland/Vancouver metropolis is an important recreational, scenic and ecological resource that deserves a protective legal status. However, the area is split between two states and many local governmental jurisdictions, and the important resources are managed by many agencies with no overall coordination.

We have therefore come to support federal legislation that would designate the area as a National Scenic Area. This would mandate the creation of an overall management plan, coordinate all of the jursidictions within the boundaries to implement that plan, and provide an enforcement mechanism to ensure that all parties, public and private, take actions consistent with that plan.

It is important to note here that the legislation that has been drafted and that we are supporting would not radically change the Columbia Gorge from what it is today. In fact, the legislation would ensure that it remained much the same as it is today, with the exception of focusing industrial development into the areas that have been determined by the locally elected officials as those best suited for such industrialization. Similarly, high and medium density residential development would be encouraged to locate in urban areas designed by locally elected officials for such activities. These areas for residential and industrial growth would not be managed in any way as a result of this act.

But the legislation would prohibit most development in the most sensitive lands, generally those lands that are currently in a near natural state, those lands where development would cause the most destruction of the very values that both residents and vistors seek in the Columbia Gorge. In those lands where development is substantially prohibited, the federal government is given management and acquisition authority.

Our main point is this: the form of the legislation that is acceptable to us will allow very substantial economic, industrial, and population growth within the Gorge, but it will at the very same time preserve the areas most sensitive to development.

In earlier Congresses we supported very strong legislation introduced by Senator Bob Packwood (introduced in this Congress as H.R. 4114 by Reps. Weaver and Lowry) and others to create such a National Scenic Area under the management of a federal agency. Although there were some flaws in the legislation, we felt that this legislative approach stood to provide the best chance for successful management of the area with the goal of protection of its recreational, ecological, and scenic values. This legislation, however, failed to win the support of key members of Congress from the region and a different approach was tried.

That approach is embodied in several bills being considered by this Congress. These are:

S. 2055 sponsored by Senators Gorton, Evans, Packwood, and Hatfield;

H.R. 4221 sponsored by Representatives AuCoin, Bonker, Dicks, Swift and Miller (WA); and

H.R. 4161 sponsored by Representatives Wyden and Morrison. (The texts of S. 2055 and H.R. 4161 are not identical, but are very similar with only a few significant differences. However, the sponsors have indicated publicly that they were introducing the same bill and so we will treat them as if they are the same.)

H.R. 4221 and S.2055/H.R. 4161 have several key differences that we will analyze below. But first we will address the management approach that unifies them.

They would create a non-federal Commission that would manage the largest percentage of the land within the National Scenic Area. The Commission would develop a management plan for these lands according to certain standards and forward this document to the Secretary of Agriculture for approval. If the Secretary disapproved it, the plan must be rewritten; the disapproval, however, could be overridden by the Commission.

With much trepidation we decided to support the general approach outlined above, but only if specific provisions were included in the bill to provide assurances that the goals of ecological, scenic, and recreational protection were to be met.

We believe the following assurances are needed:

1. A federal/non-federal sharing of responsibilities and powers that will meet the needs for protection of the area and will be constitutional. The legislation must protect the national interests at stake in the Gorge.

2. Clear, specific criteria for the development and contents of the management plan.

3. Strong standards for approval/disapproval of development within the National Scenic Area.

4. Mandatory enforcement of the management plan and strong penalties against violators.

5. Boundaries of the Scenic Area, exempted areas, and Special Management areas that adequately protect the resources.

When we reviewed S. 2055 (also H.R. 4161) we determined that these assurances could not be given. We felt that while the bill contained many laudable features, we felt that as drafted it would not provide a package that would ensure adequate protection of the values of the area.

We have three major concerns about this legislation as introduced. We feel that too much leeway is given to the non-federal Commission in interpreting the goals and purposes into a final management plan; that the management plan is enforceable only by the Commission and only if it chooses to do so; and the standards for review of new developments in sensitive areas of the Gorge do not adequately protect those areas from incremental losses of key scenic, recreational, and ecological values.

We suggest that these issues can be resolved adequately without significantly changing the overall framework of the bill. In fact, many of those changes require only minor changes in the bill's wording.

For example, we believe that in order to accomplish the goals of the legislation, piecemeal development of the sensitive National Scenic Area lands must be prevented. In order to prevent a gradual loss of the values over a long period of time, the legislation must ensure that all development is compatible with the values for which the area is set aside. These standards, of course, should not apply to urban areas, as we are not attempting to preserve natural values there.

However, a careful reading of S. 2055 finds that only developments that would "substantially impair or detract" from the values of the area are prohibited. It is our belief that if a number of developments that impair or detract from the values are built, even if none of these individual developments substantially impairs the values, there will be in fact, a substantial cumulative impairment. **We therefore urge you to adopt a more stringent test of "adverse impairment," one that prohibits any development that simply adversely impairs the values of the area.** While such a standard still allows development, we believe that it will prevent the gradual erosion of important scenic, recreational, and ecological values.

Another provision that we recommend you consider changing is the requirement that only eight of the twelve members of the Commission need to vote affirmatively for a plan in order to adopt it over the objections of the Secretary of Agriculture.

Under this framework of the legislation, the Secretary is charged with a final review of the management plan to see if it is consistent with the standards set in the legislation for the plan and the purposes of the act. After the review of the plan and passage of it by a minimum of eight Commissioners, he is to give a second opinion. The clear purpose for this review is to provide the agency responsible for representing the national interest in protection of the area an opportunity to check the product of the regional Commission to see if it meets the test of the law. The Secretary is restrained from making an overly broad review of the plan. The Secretary determines: is the plan consistent with the purpose and standards set forth in the Act?

The Secretary's rejection of the plan cannot be based on political or philosphical points of view, but only on whether or not the plan is legally consistent with standards of Section 6 and the purposes of the Act.

It is our opinion that if the Secretary finds that the management plan does not meet the test of the law, the Act should require the vote of at least nine members of the Commission to override that objection. This is not a proposal to stifle the local control aspects of the Commission; those aspects are still preserved because an objection can be overridden. It is our goal to make the review by the Secretary into a meaningful check of the affirmative vote of the Commissioners. Just as it takes the Congress more votes to override a veto by the President, in our proposal it would take the Commission more votes to override the Secretary.

Finally, we also believe that the enforcement of the Act should be mandatory upon the Commission. This legislation was designed with a view towards producing some certainty about the future of the Columbia Gorge among the residents of the Northwest.

Certainty for the residents that there will be land available for economic expansion and that private homes and farms will not be condemned. Certainty to the visitor and to the resident who seek scenic beauty and want to see rich wildlife and fisheries habitat remain unimpaired. But in order to provide this certainty the legislation must ensure that its provisions will be upheld fairly and non-discriminatively.

We hold that one of the ways to ensure that is to make enforcement of the Act non-discretionary. **We believe that it isn't overly demanding to have the legislation simply state that the Commission shall take such action as necessary to ensure compliance with the Act.**

Those are the three most significant changes that we recommend to S. 2055. We urge the committee to adopt them and to report the bill. We feel that early action by this Committee can lead to a resolution of this issue in this Congress. That is a goal to which we think all parties in the issue wholly subscribe.

The three changes recommended above, among others, are included in H.R. 4221. We have Highlighted those three because they are, we believe, the most important to addressing our concerns but we encourage the Committee's consideration of the other differences as well. Our complete review of H.R. 4221 has lead us to believe the that the legislation as introduced does a minimally acceptable job of providing protection for the area.

While we could accept H.R. 4221, as the final form of a Columbia Gorge National Scenic Area Act, we recommend for your consideration some improvements that will strengthen the existing bill in some ways and will provide additional protection for key areas of the Gorge.

Specifically, we recommend that H.R. 4221 be amended to:

1. **Provide for studies of designation under the Wild and Scenic Rivers Act of the Klickitat, Little White Salmon, Wind, Deschutes, Hood, and Sandy rivers.** We believe that the area for study should be expanded on the White Salmon river. These are all important salmon and steelhead producing streams that are tributaries of the Columbia within the National Scenic Area. They also provide wildlife habitat to many species of game and non-game animals and are signficant recreation areas.

To preserve the main Columbia Gorge without these tributaries would be a mistake as without them, the Gorge is not nearly as rich an area. Additionally, we fear that after creation of the National Scenic Area, development pressure on these tributaries will build—pressure they cannot accept without losing their magnificence.

We also believe that the H.R. 4221 should be amended to prohibit new hydroelectric dams within the entire National Scenic Area. We believe that the entire area is too sensitive to permit the construction of additional dams and thus the entire area, not just the Special Management Areas, should be put off limits.

We urge that language be added to Section 6(b) establishing a new standard for the management plan to protect anadromous and resident fish spawning and rearing habitat, preserve riparian habitat, and provide sufficent water quality and quantity for fish, wildlife and recreational needs. This will assure that the values of the rivers and streams of the area receive adequate protection in the management plan and subsequent decisions.

2. **Provide some certainty to landowners in SMA's that their land will be promptly purchased but without setting up an unrealistic timetable that is unlikely to be met.** We understand the reasoning behind section 8(g) that provides some certainty to landowners within the Special Management Areas that their land will be acquired in an expeditious manner. S.2055 provides that the lands must be acquired within 3 years (H.R. 4221, 5 years) after it has been offered for sale to the government or the protective provisions of the SMA no longer govern that property.

This provision could create vast new inholdings with these SMA's as the market could be flooded in the early years with more land than resources permit us to acquire. The federal government has taken many steps to eliminate inholdings in its properties, yet this provision will create new ones. We believe that the legislation should require the Forest Service to develop a prioritized land aquistion plan within two years and start the time period running only when and if a property is placed on the list of high priority aquisitions. We urge the Committee adopt the more realistic five year figure (included in H.R. 4221) over the three year proposal included in S.2055.

3. **Strengthen interim protection measure already included in the bill.** We believe that the provisions providing for interim management in the National Scenic Area should be strengthened. Currently the Commission has one year in which to develop guidelines for the review of land use activities within the Area. We believe this should be six months and that until such guidelines are in place there should be a moratorium on all development.

The Commission currently reviews only "major development proposals" for consistency with the purposes and provisions of the act and guidelines before the management plan is completed (no later than two years after passage of the Act). We believe that the Commission should review all development proposals prior to the adoption of the plan.

4. **Modestly change the boundaries of the protected area.** We believe that there needs to be a review of the proposed boundaries of the Scenic Area, the exempted urban areas and the Special Management Areas prior to passage of the bill. Some of these boundaries need minor revisions to include important lands. One of those revsions should be moving the Washington side eastern boundary to the Stonehenge replica, near Maryhill. This is a traditionally recognized starting point of the Gorge and from a tourism standpoint the logical start of a National Scenic Area.

We are also concerned that since these boundaries were not the product of a study by the prospective management agency as to what would constitute appropriate boundaries for the area and that the Commission is given authority in section 4(d) to revise urban areas boundaries, it is only appropriate for the bill to be amended to provide a process for the revision of SMA boundaries as well.

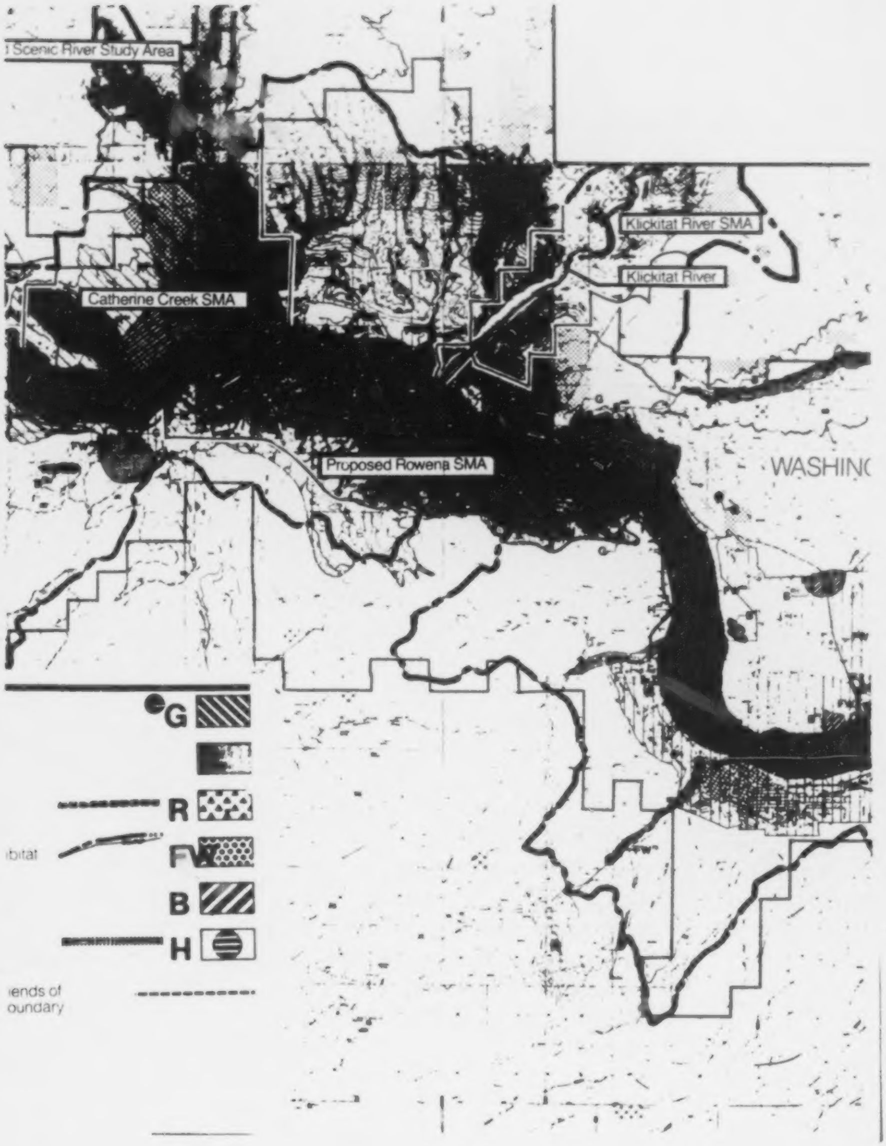
We urge creation of another SMA to be known as the Rowena Special Management Area. Rowena SMA would be created to provide protection for ecologically and scenically important areas surrounding the "Governor Tom McCall Nature Preserve" on the Oregon side of the Gorge directly across the river from Lyle. The new SMA would encompass some 7000 acres of land of which approximately 640 acres is in public ownership. We have attached a map of our proposal to this testimony.

5. Clarify the legal status of the Commission and the management plan. Two points of clarification are needed. The first is the need to further guarantee the constitutionality of the Act. It will not help to resolve the status of this issue if the Commission is declared unconstitutional. We believe that there needs to be a complete review of the constitutionality issues raised in this legislation. Recent court cases and rulings have added much uncertainty to the status of a non-federal body such as the Commission.

Secondly, we feel that a clause should be added to the bill requiring all federal and state agencies to take only those actions which are consistent with the adopted management plan. This may seem to go without saying, but we would feel more comfortable if such a provision were included in the legislation.

In summary, we believe that much that is included in S. 2055 is laudable and we are pleased that the Washington and Oregon Senators have taken this action to advance the issue of Gorge protection in this Congress. However, we are concerned that, as introduced, S. 2055 would not provide adequate protection for the area.

Again, Mr. Chairman and members of the Subcommittee, we are pleased to have had the opportunity to testify and would be happy to meet with you, members of the Northwest Delegation and staff to discuss our concerns. We thank you for helping to bring us all closer to legislation that addresses the interests of all of the parties involved in the Columbia River Gorge.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Senator Evans. Thank you.

Now Mr. Bill Linish.

STATEMENT OF BILL LINISH, NATIONAL PARKS AND CONSERVATION ASSOCIATION

Mr. Linish. Thank you, Mr. Chairman. One of the first issues that I worked on 9 years ago when I joined the National Parks and Conservation Association, was the Columbia River Gorge. So you can imagine how appreciative I am of your efforts to introduce the legislation to push for these hearings. In a sense, it has been a long 9 years; but in another sense, great progress has been made this year with the introduction of the legislation and these hearings.

During that time between when I first worked on this issue and today, there have been other pieces of legislation that have passed that basically embody the type of approach that is embodied in S. 2055. For example, the legislation that passed for the Pinelands National Reserve has certain elements that are similar to this legislation. The legislation that Congress considered for Lake Tahoe but did not pass has certain elements that are similar, and certain pieces of legislation for national parks have elements that are similar to this legislation.

Based on the successes and failures that we have had with those pieces of legislation and the implementation of them, I would like to discuss four basic issues in this bill. Two of them have been discussed at length today—at length even in this panel—and the first of those has to do with the standards for development: the discussion about the substantially impaired language or other possible language that could be inserted in its place.

Obviously there are different types of language that could be used here. I would just like to add that from our perspective, one of the important reasons to strengthen the standard is that oftentimes the cumulative effect of development is much more pronounced, even geometrically so, than the individual effect of each development that comes along. So we feel it is very important to strengthen the standards included in the bill.

Second, the issue which you have discussed at length already is enforcement in section 15, and I will not go into that in any depth because there has been such extensive testimony about it.

Two other issues that I would just like to mention briefly: One, in reading the bill in the way that the adoption procedure is set up, it appears that it is possible, and we are not saying that it is probable, but it is possible though that a stalemate could occur that you would never get the votes in the Commission to pass out a plan, to adopt it. Therefore we would suggest that you consider other possibilities of trying to induce the adoption of the plan if that possibility were to occur.

One way, for example, would be to offer financial incentives or disincentives. Another way would be to have the Secretary of Agriculture issue a plan if, for example, the Commission could not come up with one in, say, 2½ or 3 years. There are various ways that this might be accomplished, but we would recommend that these options be looked at.

And finally the fourth issue—and it is a relative minor one in one respect but, I think, very important in another—and that has to do with land acquisition. The Secretary is required to purchase land in the special management areas within 3 years of a bona fide sales offer or when he is denied a development permit. Certainly we would hope that he could buy the land in 1 year much less 3 years. But it may occur because of the economy in the area, when you may have a lot of people that want to sell land at the same time the Federal economy and appropriations may be such that there is not a great deal of money available, that you run up against the situation where 3 years simply will not be enough time to deal with all the land that is on the market. So we would suggest in that case that an amendment make that 5 years instead of 3 years.

Thank you, Mr. Chairman.

[The prepared statement of Mr. Pritchard follows:]

STATEMENT OF PAUL C. PRITCHARD, PRESIDENT
NATIONAL PARKS AND CONSERVATION ASSOCIATION

BEFORE THE SUBCOMMITTEE ON PUBLIC LANDS, RESERVED WATER
AND RESOURCE CONSERVATION

ON S. 2055

June 17, 1986

Mr. Chairman and Members of the Subcommittee, I am Paul C. Pritchard, President, National Parks and Conservation Association (NPCA), headquartered at 1701 18th Street, N.W., Washington, DC. Since 1919, NPCA has served as a private, nonprofit defender of the resources and purposes of the units of the National Park System and other significant areas.

We appreciate the opportunity to present comments on legislation designed to protect the magnificent Columbia River Gorge. In the late 1970s, NPCA held a meeting to examine various approaches for protecting the Columbia River Gorge and other nationally significant areas that probably could not be protected as traditional federal areas. These approaches involved bringing all levels of government together to utilize a range of authorities including land acquisition and land use regulation to protect an area. S. 2055 as well as the legislation dealing with the Columbia River Gorge introduced in the House basically utilize the approaches discussed in that meeting as well as incorporating promising new ideas.

For the past ten years, several of our staff members have been working on potential legislation to protect the Columbia River Gorge. We are very pleased to be able to participate at this hearing. The large number of witnesses testifying today is but one indication of the widespread interest in the Columbia River Gorge and the need to pass legislation that adequately protects this nationally significant resource.

The Gorge includes many important resources that must be protected. Books have been written documenting the significance of these resources. In a very capsulized form, Section 3 of S. 2055 briefly discusses many of the spectacular features found in the Gorge. Among the Gorge's numerous attributes are all-season waterfalls, incredible botanical diversity, important geologic features, and magnificent wild and scenic rivers. Section 3 also briefly discusses the many threats to the resources of the Gorge. Action is clearly needed to ensure that these resources are not lost as the area becomes more developed.

National Parks and Conservation Association, 1701 Eighteenth Street, N.W., Washington, D.C. 20009
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The Gorge is a very complex area for several reasons not the least of which is its location as a bi-state area. With many jurisdictions involved, it is very difficult to protect such areas. Years of experience at Lake Tahoe in California and Nevada have repeatedly demonstrated the difficulties. As a result of the problems associated with protecting bi-state areas and the difficulties of trying to coordinate the activities of numerous jurisdictions, it is extremely important to design authorizing legislation to enhance the possibility that the intended long-term protection of the Gorge will actually occur. With that in mind, we recommend the following improvements to S. 2055.

In order to protect the Columbia River Gorge adequately, development will have to be guided to those areas that can accommodate it and will have to be limited in sensitive areas. The standards for development in the legislation will play a key role in determining the location and level of development. The standards in S. 2055 need to be strengthened to ensure the long-term preservation of the Gorge. In various sections, S. 2055 allows development to proceed if it does not "substantially impair" the Gorge's resources. Such a provision could allow a great deal of development to occur that impairs the resources. Over time, it is very likely that the cumulative effects of the development would lead to significant impairment. There are various ways in which the development standards could be improved. One way would be to set the standards so that development could be allowed in the sensitive management areas, for example, if it did not "adversely impair " the Gorges's values.

Enforcement is another key issue. Section 15(a) states that: "The commission shall monitor activities of counties pursuant to this Act and may take such action as necessary to ensure compliance." If the commission is going to successfully protect the Gorge, then it must take action to ensure compliance. The "may" in Section 15(a) should be changed to "shall."

There are two issues related to land acquisition that should be addressed. First, the Secretary is required to buy land in a special management area within three years when there has been a bona fide sales offer or when the Secretary has denied a development permit. While we hope that sufficient funds exist to purchase the land within three years, it is possible that it may take longer especially if there are a number of high priority parcels available. We recommend that the three year provision be changed to five years. Second, we recommend that the land acquisition ceiling be increased to $50 million. The $35 million ceiling will certainly be sufficient in the immediate future but is unlikely to be adequate in the long run.

There are numerous rivers that deserve protection as wild and scenic rivers or that should be studied for inclusion in the Wild and Scenic Rivers System. Other organizations such as the American Rivers Conservation Council have discussed a number of rivers in testimony today. We recommend that S. 2055 include the additional rivers for designation and study included in the testimony of the American Rivers Conservation Council.

Section 15(d) deals with citizen suits. We are supportive of this section. One addition would make this section even stronger. We recommend that a provision be added allowing attorney fees to be awarded in those cases when a citizen successfully brings an enforcement action under this section.

At the beginning of this testimony, I mentioned that various staff members of NPCA had worked on the Columbia River Gorge issue for several years. Throughout that time, we have recommended that the National Park Service be given the responsibility to administer a Columbia River Gorge National Scenic Area. Given the large amount of land administered by the U.S. Forest Service in the Gorge, we can understand why the authors of S. 2055 made the Forest Service the administering agency. However, we still believe that the National Park Service has had more experience administering complex areas facing a multitude of development problems and urge the Subcommittee to consider making the National Park Service the lead agency.

The final issue involves the approval process for the plan. There are two major concerns. First, a majority of the members from each state must be in favor of the plan for it to be adopted by the commission. Since there are six members representing each state, the effect of this provision is to require that two-thirds of each state delegation vote in favor of the plan. A vote of four to two will be required from each state delegation for adoption. The plan could fail to be adopted even if nine members of the commission favored it if the three opposing members were from the same state. Clearly, a minority of the members of the commission -- only twenty-five percent -- can block the adoption of the plan. This could allow a small minority of the commission members to hold the plan hostage until certain changes are made. It is very possible that the adoption process in S. 2055 will make the adoption of the plan extremely difficult.

There are various ways in which this problem can be overcome. One way would be to expand the commission to thirteen members by making the federal member a voting commissioner. The plan would be adopted by a majority vote of the full commission. Another way would be to give each governor the authority to appoint four members to the commission. Thus, each state would have seven members. The plan would be adopted by majority vote of each state delegation. Even under this procedure, however, it is possible that the commission could vote ten to four in favor of the plan and still fail to adopt it. Undoubtedly, there are other ways to structure the approval process. We believe it is imperative that this process be changed so that adoption of the plan can occur more easily and so that the will of a clear majority is not thwarted.

Our second concern with the approval process involves the fact that there is no requirement that the plan ever be adopted by the commission. It is possible that half of the members on the commission from one state would not vote to adopt the plan. An extensive amount of work could be put into developing a plan but it could never be adopted if three commission members continually voted against it even though the other nine members of the commission favored adoption. We recommend that the legislation be amended to ensure that a plan will eventually be adopted. One way to accomplish this would be to have the lead federal agency prepare a plan if the commission fails to adopt one within two and one-half years. Undoubtedly, there are other ways to ensure adoption of a plan. Clearly, some approach must be included in the legislation so that the tremendous amount of work necessary to prepare the plan is not wasted.

In conclusion, Mr. Chairman, we would like to reiterate our appreciation to the sponsors of this legislation for introducing S. 2055. While we believe that the legislation needs to be improved in certain respects, it provides the basis for moving forward.

We appreciate the opportunity to testify today and would be happy to answer any questions you may have.

Senator **Evans**. Thank you.

Mr. Platt, you, and several others on this panel in fact, have talked about adding the tributaries as essentially Wild and Scenic Rivers. Are we in danger of adding too much to the act and having it sink by its own weight if we start getting into adding all of these rivers? You know, every single one of them will be controversial. While it may be a good idea to do, is that something that we ought to consider doing in a separate act and just aim only at the ones which are most at stake here, the ones that are critical right within the current boundaries, as we have them, of the gorge?

Mr. **Platt**. Senator, first of all, I am sure your opinion on that question is probably a lot more accurate than my opinion on it because you are going to have to deal with the votes.

Senator **Evans**. You may know more than I do about that. I think I have some ideas about how people inside the Senate might view it, but I am concerned more about the outside, the citizen views of that and whether we would be adding more baggage to the act than we can stand.

Mr. **Platt**. Well, as far as the Oregon tributaries are concerned, we do not believe that that would be adding more baggage to the act, and I really could not comment with any expertise on the Washington situation. We do have State Wild and Scenic River designation on the Deschutes and we also have it on a portion of the Sandy. There is quite a bit of concern in the Hood River area about the Hood River hydroelectric projects.

As far as the specific support for it, we are talking about a study at this point on the Hood, and for that purpose we will really be able to determine through the study what kind of reactions we will have there. We can see, though, substantial support for both the Sandy and the Deschutes. And we would do whatever was necessary to see that we could develop further support for those.

Senator **Evans**. OK.

Mr. Brown, you also mentioned the Wild and Scenic Rivers. Do you have any comment on this concern?

Mr. **Brown**. I understand your question. I did not hear testimony today that was opposed to the wild and scenic study of any of the rivers. It is possible it is because they were not in the bill at this point. But my reading from talking to a number of people is that there is either a feeling of neutrality about it or support for it.

Senator **Evans**. Someone suggested study for Wild and Scenic River and I think someone suggested immediate designation.

Mr. **Brown**. I think certainly my recommendation and I think the Oregon Wildlife Federation's was for immediate designation only of the rivers that are already protected in the Oregon State system. Maybe other witnesses proposed instant designation for others, but I think from the talking we have done, that it makes more sense to study the ones for which there has not been substantial study already.

Senator **Evans**. Ms. Burgess, your estimates of cost I guess in some respects are comforting because you have probably had more experience recently with just in-hand problems of trying to negotiate costs. Do you feel that the moneys which are now specified in the bill are a reasonable estimate of what we might need for at least some significant period of time?

Ms. BURGESS. Yes. It is a very difficult kind of prediction to make as I am sure you have recognized. We struggled with that number. You are viewing a variety of acquisition strategies, including exchanges for some of the really large timber holdings. If you were going to buy all the timber companies out, I have no idea what it would cost. I do not even want to think about it.

But anticipating that there is that exchange component, the fragmented ownership, the small parcels along the inner gorge along the river corridor, there is really a limited number of those parcels that are truly threatened at this time or are important for acquisition because there are public access needs or other public use needs that justify the purchase. So there is not any enormous pressure to go in and buy it up quickly before it is subdivided.

You do not see the kind of pressures you see down in the Santa Monicas, where really there are huge tracts that are right on the brink of subdivision and the price for the land is $10,000–$12,000 an acre. I think that it would take you a while to spend $35 million.

Senator EVANS. Mr. Linish, you probably have heard some of the earlier testimony today. Do you still believe that extending the 3-year limit to 5 years is appropriate when you may have people who want to sell, are willing sellers, and they are literally hurting? By giving the Government the chance to delay for 5 years, are you not putting a real hardship on people potentially?

Mr. LINISH. In one respect, Mr. Chairman, I guess you could feel even at 3 years there could be some hardships for some of these individuals, and I completely understand what you are saying. The point I was trying to make at that time was that in working on appropriations for example for the National Park Service to buy land, at certain times and certain areas, a great deal of land becomes available because of the economy of that area, and just recently in the last few years, we have run up against the problem where the amount of Federal dollars available to buy that are declining, the appropriations are declining. So that because you are out of balance, they are going in opposite directions, it is impossible actually in some cases to get that land. And as I said, certainly we would hope the land could be bought in 1 year much less 3 years. But we can see the possibility that you would have a problem at that 3-year timeframe.

The other thing I would say is that with the 3-year timeframe, what would happen, too, is that in these tight situations, the three years would drive the priorities. Those lands that are approaching their 3-year timetable will be picked up, even though lands that could be of much higher priority from a resource standpoint or a public access standpoint would have to wait.

Senator EVANS. But that would occur no matter where you set the time limit; it could happen in 5 years, too, right?

Mr. LINISH. That is true. I think it is less likely to happen at 5 years just because you have 2 additional years, but certainly that is correct.

Senator EVANS. It could happen 2 years later.

Mr. LINISH. That is certainly possible. Again, hopefully, you would not hit it; you would be able to do it in new years, 1 year possibly.

Senator **Evans**. Mr. Alberswerth, you and several others have suggested, once again, the National Park Service as a management agency, but then you are very careful to say that we ought to allow hunting and fishing. And that is a real no-no as far as the National Park Service is concerned, normally, at least the hunting part of it. Is that not somewhat inconsistent?

Mr. **Alberswerth**. There are a number of park system units that are generally designated as preserves where hunting and fishing is generally allowed. In fact, there is a current proposal I believe before the Senate in the Nevada Wilderness bill to designate a portion of the proposed Great Basin National Park as a preserve that would allow traditional hunting and fishing activities there.

Senator **Evans**. Mr. Brown, you are familiar with the hydro relicensing bill and with generally the forest replanning activities I believe, and with the cost of the Wild and Scenic River plans.

How about all of these working in conjunction? It seems to me that the operation of the hydro relicensing bill will in effect really protect the Deschutes and the segment of the Sandy, that the Hood River will be considered for Wild and Scenic River status under the Mount Hood Forest Plan, and the Wind River under the Gifford-Pinchot Plan? Are we not doubling and tripling up in this act by doing things that can and are being done under other acts?

Mr. **Brown**. If that is the case, I certainly would not encourage that. The hydro relicensing bill has not passed yet in its final form.

Senator **Evans**. Neither has this.

Mr. **Brown**. Exactly. But what its final form is going to be, I am not sure at this point. As far as the forest plans go, I feel certainly if the river is being given adequate study in the forest plan, a wild and scenic study becomes almost a formality and 90 percent of the data you need for the river study is coming out of the forest plan. I do not think it would necessarily be duplication.

Senator **Evans**. Thank you all very much.

If the next group will move in, on deck will be the long-awaited panel of Ms. Barbara Bailey, Ms. Jane Ward, Mr. Harlen Jones, Ms. Alice Peck, and the man I am looking forward to, Mr. Ron Cronin.

Let us start off with the first witness, Mr. Krijanovsky.

STATEMENT OF VADIM KRIJANOVSKY, SKAMANIA COUNTY, WA

Mr. **Krijanovski**. My name is Vadim Krijanovsky. I am a developer and a resident of the Columbia River Gorge in the State of Washington, Skamania County.

I offer the following testimony in good faith out of 25 years experience in the establishing, managing, and operating health resorts and spas both in Europe and in the United States. I have owned and managed health resorts on the French Riviera and in Gran Canaria, Spain, and am now developing the Biba Hot Springs resort in north Bonneville in the Columbia Gorge, whose grandeur I feel is equal to that of the Grand Canyon.

I saw the Columbia River Gorge for the first time in 1974. I have seen much of the world, and yet the gorge has affected me as few areas of natural beauty ever have. The Columbia River Gorge is totally unique. It stands apart as one of the great landscapes of the world. Its beauty has so very much affected me that in 1979 I bought historic Old Bonneville Hot Springs. I am going to build on this site a carefully planned ecologically sensitive and tasteful first class resort and spa that would do credit to the finest resort areas in Europe and this country.

The Biba Hot Springs resort is a $15 million project. I as a developer along with 60 other investors am committed to protecting the investment by building an attractive first-class project that is based on quality environment that all of us can be proud of and for which the integrity of the surroundings is absolutely essential.

I am surprised at the indifference to the beauty of the gorge of some of the local residents, and I am shocked at the great amount of poaching that goes on all around my proposed resort. Stability and good management are badly needed. This area would not attract worthwhile projects if the climate for business does not change. The clear direction provided by the national scenic area legislation will provide that change.

Because of the beauty of the gorge itself, because of the commitment to preserve the investment in building a model project, and because of our project needs, I strongly support Senate bill 2055 with its strengthening amendments. I am grateful for the work you have done, Senator Evans, as well as to Senator Hatfield on this Senate bill.

The amendments that the bill must have in order to accomplish its purpose will make enforcement by the Regional Commission mandatory, would contain strong standards for development, and would allow a meaningful role for the U.S. Forest Service. On this point, the role of the Federal agency is truly critical if this area is to attract the kind of visitation that assures an economic advantage for the gorge. I also support the proposal for an economic development bank as a vehicle for rewarding the investment of quality projects with strong land-use management goals and policies.

A clear advantage of national designation is that it will put the gorge on the map. The prestige of national recognition will attract visitors by the thousands to resorts in this area. Because of its grand scenery and wonderful plants and animals, the potential for success is more than excellent. National designation will be most helpful to those of us who wish to enhance the economic life of the area through tourism and are, at the same time, interested in thoughtful and protective management.

The Columbia River Gorge is very badly in need of strong management and protection of its natural resources, I hope, and I thank you for the leadership you have provided.

[The prepared statement of Mr. Krijanovsky follows:]

Testimony

June 17, 1986

Senate Committee on Energy and Natural Resources
Subcommitee on Public Lands and Reserved Water

My name is Vadim Krijanovsky. I am a developer and resident of the Columbia River Gorge in the State of Washington.

I offer the following testimony in good faith out of 25 years experience in the establishing, managing and operating health resorts and spas both in Europe and in the United States. I have owned and managed health resorts on the French Riviera and in Gran Canaria, Spain, and am now developing the Biba Hot Springs resort in the Columbia Gorge whose grandeur, I feel, Is equal to that of the Grand Canyon.

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The Biba Hot Springs resort is a 15 million dollar project. I, as the developer, along with 60 other investors, am committed to protecting the investment by building an attractive first-class project that is based on quality environment that all of us can be proud of and for which the integrity of the surroundings is absolutely essential.

I am surprised at the indifference to the beauty of the Gorge of some of the local residents and I am shocked at the great amount of poaching that goes on all around my proposed resort. In fact, just last winter, a resident of North Bonneville was shooting deer in the middle of a city street. Later, on my land, a private wild-life preserve, he was skinning a deer. When an employee of mine asked him to leave, he refused. I called the local police and was told that it was the policeman's day off and that they would call the county sheriff. When the sheriff arrived, he was very upset because he had to do the City's work. In court, the hunter pleaded guilty on both counts - on criminal trespassing and on hunting within the City limits. What do you think he received? a $50 fine and a suspended sentence! I could not believe my ears!

And, just last week, my neighbor, Pete Tol, asked me to help him because Longview Fiber, a logging concern in the area, was suing him for not giving them access through his land. And this, despite the fact that they have access to the road just behind their own land. Allowing them to go through this property to the City road, which also borders our resort, would destroy the quality of the environment we want to preserve.

Stability and good management are badly needed. This area will not attract worthwhile projects if the climate for business does not change. The clear direction provided by the National Scenic Area legislation will provide that change.

Because of the beauty of the Gorge itself, because of the committment to preserve the investment in building a model project and because of an apparant lack of coordination between the various agencies in the area and also because of our project's needs, I strongly support Senate Bill 2055 with its strengthening amendments. I am grateful for the work of Senators Evans and Hatfield on this Senate Bill.

The amendments that the bill must have in order to accomplish its purpose would make enforcement by the Regional Commission mandatory, would contain strong standards for development and would allow a meaningful role for the U.S. Forest Service. On this point, the role of the Federal Agency is truly critical if this area is to attract the kind of visitation that assures an economic advantage for the Gorge. I also support the proposal for an economic development bank as a vehicle for rewarding the investment of quality projects with strong land-use management goals and policies.

A clear advantage of national designation is that it will put the Gorge on the map. The prestige of national recognition will attract visitors to resorts in the area. Because of its grand scenery and wonderful plants and animals, the potential for success is excellent. National designation will be most helpful to those of us who wish to enhance the economic life of the area through tourism and are, at the same time, interested in thoughtful and protective management.

In summary, the Columbia River Gorge is very badly in need of strong management and protection of its national resources.

I have brought a brochure with me today that describes my proposed resort at the historic hot springs in North Bonneville. I hope you will find the time to peruse it.

I thank you for your leadership in advocating the Columbia Gorge National Scenic Area.

Respectfully submitted,

Vadim Krijanovsky

BIBA HOT SPRINGS

Beautiful scenery near Biba Hot Springs includes Oneonta Gorge and Mt. Hood.

© Biba Hot Springs 1982 All Rights Reserved

Our Famous Water

Long ago the Northwest Indians, knowing of the water's curative powers, journeyed to the springs for rejuvenation and physical healing. In the 1880's the hot springs were rediscovered, and the refreshing water was bottled on the site and sold throughout the western states. An article in the Oregon Native Son (Oct. 1900) reported it to be "the best of waters for kidney complaints, dyspepsia, rheumatism, dropsy and general debility." Encouraged by its growing popularity, owner Thomas Moffett opened a hotel and bath house by the springs and operated it for many years as the Moffett Hot Springs.

Today, the gentle 96 degree water flows freely into an Olympic-sized swimming pool, several hot tubs, a Jacuzzi and a sauna. It is also piped into the several buildings, campground, recreational vehicle area and greenhouses.

The continuously flowing healing waters pervade the entire environment at Biba Hot Springs creating an atmosphere of relaxation, contemplation and serenity, gently urging visitors toward an attitude of increased mind-body harmony and health.

Alternative Energy Use

In our desire to live lightly on the earth, Biba Hot Springs promotes the research and utilization of natural energy sources for power: sun, wind, water and hot springs themselves.

Wildlife Sanctuary

At Biba we seek to preserve our inherited environment and to heighten public environmental awareness. Our protected forests and streams abound with deer, raccoons, beaver, osprey and the beautiful blue herons. This commitment began in mid-1982 with the rescue and release of 38 captive beavers, who are now happily building their new homes in safety. The entire western portion of the land is reserved as a wildlife sanctuary. Naturally, logging, hunting and fishing are not permitted.

Personal Development Programs

A wide range of health enhancement classes and services are offered. These extend from holistically oriented traditional practices, such as stress reduction, diet and physical exercise, through movement, massage and other body-related arts such as dance, yoga, Tai Chi and structural integration, to counseling, gestalt, meditation and the intuitive sciences. Our unique program synthesizes the best of Western medical practice with Eastern healing philosophies. Biba's professional staff includes a cadre of experienced teachers and therapists in a variety of disciplines. All programs emphasize the expansion of individual self-awareness and the personal acceptance of increasingly greater responsibility for one's own health.

Wildlife includes curious deer, white Shooting Stars and our beavers.

Scenic Recreational Area

Your stay here is more than a retreat, it's a feast for the senses. The Columbia River Gorge's spectacular scenery of lush green valleys and mountains surround Biba Hot Springs. Explore the Beacon Rock monolith, Multnomah Falls, Indian petroglyphs, Mt. Hood, the Maryhill Museum and the full-sized replica of Stonehenge. If you are hiking, the Pacific Crest Trail passes just ½ mile north of Biba's. Nearby outdoor recreation includes scenic river cruises, golf, National Forest hiking trails, camping and watersports. Come experience our beautiful countryside and create lasting memories.

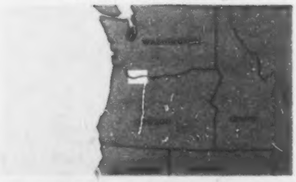
Columbia River and Indian petroglyphs

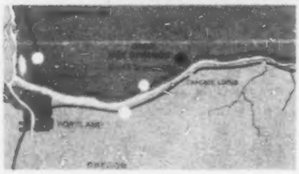
Directions to Biba Hot Springs

Located just 40 miles east of Portland, Biba Hot Springs is ½ mile north of North Bonneville, Washington and the Columbia River.

Open all year, we invite you to join our on-going classes and workshops or simply relax in the hot springs and enjoy the peaceful countryside. For more information regarding our classes, accommodations and prices, please write us at:

Biba Hot Springs
One Cascade Drive
North Bonneville, Washington 98639





Biba's unique Community Building

Accommodations and Meals

Nestled among the trees, our unique logwood guest lodges and individual cabins include twin and double beds, private baths, and fireplaces. Several rooms feature private hot tubs. Dormitory rooms holding up to 8 persons are available for groups. Campsites and recreational vehicle hookups are provided on secluded sites in Biba's spacious campground.

Biba serves delicious French, gourmet vegetarian meals, healthfully balanced to facilitate spiritual practice. Most food is prepared from fresh, in-season ingredients grown organically in our own gardens and geothermal greenhouses. Of course, Biba's clear, pure mineral water is served with every meal. We ask that no smoking, alcohol or drugs be consumed at Biba Hot Springs.

Conference Facilities

Meeting, lodging and dining facilities accommodate up to 150 guests for conferences, workshops, seminars and group retreats. Large gatherings can be held in the impressive, circular community hall, while space for smaller meetings can be reserved in common rooms in the other buildings. In keeping with our philosophy of living harmoniously with nature, most of our buildings are constructed with logs recovered from the slopes of Mt. St. Helens.

Columbia River at Dog Mountain

Biba Hot Springs

Biba Hot Springs is a holistic healing retreat and wildlife sanctuary, surrounded by the breathtaking beauty of the famous Columbia River Gorge in the Pacific Northwest. Blessed with artesian hot springs and fifty acres of cool forest, Biba lies at the foot of the Cascade Range. Biba is a place of tranquility and peace—so peaceful you can hear the rush of crystal-clear waters and the wind's spirited song whispering through the tall evergreens. Biba offers you the unique opportunity to explore and experience a new way of living, where inner peace can be found in harmony with nature. Open to all, Biba is non-sectarian, and is dedicated to those searching for greater self-knowledge and a richer, more harmonious bonding with the highest creative forces.

Senator EVANS. Thank you very much.

Ms. Kris Hudson.

STATEMENT OF KRIS HUDSON, PRESIDENT, LEAGUE OF WOMEN VOTERS OF OREGON, PORTLAND, OR

Ms. HUDSON. Thank you, Senator Evans.

My name is Kris Hudson, and I am president of the League of Women Voters of Oregon. With me is Ruth Coffin, president of the League of Women Voters of Washington. We believe that it is crucial that any legislation must assure the preservation and protection of the natural beauty and the biological, historical, and recreational resources of the Columbia River Gorge. In order to achieve the protection the gorge should have, Senate bill 2055 needs to be strengthened by the provisions of the AuCoin/Bonker bill, House bill 4221.

We believe that any legislation must include strong protective guidelines for the management plan, specific interim guidelines, and an enforcement mechanism which ensures compliance with the management plan.

The language, "substantial impairment" is too ambiguous to be used as criterion for the approval of standards for development within the special management areas, and we suggest that it be changed to "adverse impairment." We believe that all surface mining and hydroelectric projects should be prohibited in the special management areas, and that high and medium density residential and commercial development should take place only within the designated urban areas as stated in House bill 4221.

Language in Senate bill 2055 concerning proposed standards for development outside special management areas in the urban areas is weaker than that which now governs the present Gorge Commission standards. We feel development should not minimize impacts, but instead should not adversely impact the gorge's resources.

This morning you were discussing the overriding veto, and we feel that there must be one additional vote for the veto; if you change it so that it only requires seven votes to pass, then we would go along with eight votes, but we feel that there has to be an extra vote for a veto, to override a veto.

Furthermore, the League believes that any legislation should contain strong protection for all the Columbia River tributaries which lie within the national scenic boundary designation.

This morning the League of Women Voters had a rally for the tax reform plan, and a woman from Ohio came up to me and said that she and her family had visited the Columbia River Gorge several years ago, and her son who was 11 at the time after going through the gorge said, "I now know where the word 'gorgeous' comes from."

We urge your support of legislation to protect the magnificent Columbia River Gorge. Thank you.

Senator EVANS. Thank you very much.

Ruth Coffin.

STATEMENT OF RUTH COFFIN, PRESIDENT, LEAGUE OF WOMEN VOTERS OF WASHINGTON

Ms. COFFIN. I am here to support Chris, and to demonstrate that the leagues of the two States are working together on this and have a common interest.

I have no testimony other than that.

Senator EVANS. Thank you very much. It is nice to have both of you here.

Ms. COFFIN. Thank you.

Senator EVANS. Ms. Kate McCarthy.

STATEMENT OF KATE McCARTHY, PARKDALE, OR

Ms. MCCARTHY. Thank you, Senator Evans.

My name is Kate McCarthy. I was born in Hood River County, OR, and I am now a resident. I have served on the Oregon Columbia Gorge Commission and the Mid-Columbia Economic Development District. I am speaking as a citizen and a former Gorge Commission member.

I support Federal legislation for our national scenic area, and feel that the need is urgent. There is strong public support in Oregon for a plan and a program to ensure long-term protection for the gorge. Citizens of Oregon in a statewide land conservation and development commission survey voted the gorge tops in a list of areas of statewide concern and significance.

In Hood River County, 76 percent of the returns from a questionnaire sent to boxholders of the county by the planning department favored State or Federal acquisition of private lands in the gorge for scenic protection or recreation on a willing-seller basis.

The Hood River County branch of the American Association of University Women presented a resolution that was supported by the Oregon division for a scenic area.

All agree local citizens must have a voice, but local control, the cry of some, is not a plan to protect the gorge. It is not a plan at all, but a lack of one. It leaves the future of the gorge to chance, to ever changing local politicians who in general have a poor track record of resisting the pressure from developers. With 50-plus jurisdictions and agencies in the gorge, no one is responsible: Deterioration, urban sprawl, illegal subdivisions, and continuing crisis to crisis confrontation. The gorge deserves better.

My experience on the Oregon Gorge Commission, a commission with no power and little money, made clear to me the inadequacy of the existing structure to protect the gorge. Not only is protection of the scenic and other values beyond the scope and means of the present fragmented situation, but management of this large and nationally significant area for increasing public use is beyond the ability and the means of local counties, cities, and States. More lands are needed for parks and access to the river, especially on the Washington side.

Coordinated and effective management is needed. I appreciate the great efforts of the Senators from Washington and Oregon towards the solution of this complex problem in the gorge. I support and urge passage of S. 2055 with strengthening amendments. I think enough has been said about the strengthening amendments, so I will go on.

It is of paramount importance after all of these years of effort and concern of so many that this legislation be strong enough to accomplish the purpose for which it is intended to protection of the gorge. We have spent billions of dollars of Federal money, effort, and involvement in the gorge for exploitation of resources. Spending a relatively small amount to protect some of what is left would help balance the score. We owe it to the gorge ourselves and future generations.

Senator EVANS. Thank you very much.

Ms. MCCARTHY. I have included with my testimony some letters that were given to me by the American Association of University Women, and some other citizens that I have put in the back of my testimony.

[The prepared statement of Ms. McCarthy follows:]

Senate Hearing on S.2055
Committee: Energy and Natural Resources
Subcommittee: Public Lands and Reserved Water

My name is Kate McCarthy. I was born in Hood River County, Oregon and am now a resident. I have served on the Oregon Columbia Gorge Commission, the Mid-Columbia Economic Development District Board and as a member of the county citizens advisory group to the Hood River County Gorge Planning Unit. I am speaking as a citizen and former Gorge Commission member.

I support Federal legislation for a National Scenic Area in the Gorge.

There is general agreement that this magnificent area is a place of county, state and national significance. There is strong public support in Oregon for a plan and a program to ensure long term protection. Citizens of Oregon, in a statewide Land Conservation and Development Commission survey, voted the Gorge tops on a list of areas of statewide concern and significance. In Hood River County 76 per cent of the returns from a questionaire sent to boxholders of the county by the planning department favored state or federal acquisition of private lands in the Gorge for scenic protection or recreation on a willing seller basis. Respondents overwhelmingly favored scenic protection/open space as the most appropriate land use in the Gorge. The Hood River County Branch of the American Association of University Women presented a resolution supporting a National Scenic Area which was adopted by the Oregon Division. The many members of the various statewide environmental groups support scenic area legislation.

All agree local citizens must have a voice but "local control", the cry of some, is not a plan to protect the Gorge. It is not a plan at all, but a lack of one. It leaves the future of the Gorge to chance, to everchanging local politicians who, in general, have a poor track record resisting the pressures from developers. With 50+ jurisdictions and agencies in the Gorge no one is reponsible. Over the years I have witnessed a creeping incremental deterioration, urban sprawl, parcellization, illegal subdivisions and continuing crisis to crisis confrontation. The Gorge deserves better.

My experience on the Oregon Gorge Commission - a commission with no power and little money - made clear to me the inadequacy of the existing structure to protect the Gorge. I have seen local jurisdictions show contempt for the powerless Gorge Commission advice.

Not only is protection of scenic and other values beyond the scope and means of the present fragmented situation, but management of this large and nationally significant area for increasing public use, is beyond the ability and means of local cities, counties and states. More lands are needed for parks and access to the river, especially on the Washington State side. Coordinated and effective management for recreation would be in the public interest.

I appreciate the great efforts of the senators from Washington and Oregon towards a solution to the complex problems of the Gorge.

I support and urge passage of S.2055 with strengthening amendments as offered in HR.4221. No. 1. I believe it is critically important to make enforcement of the National Scenic Area plan mandatory rather than discretionary. From my experience on the Gorge Commission I have clearly seen that discretionary adherence to a plan or discretionary enforcement is an unworkable and unrealistic route to protection. The advisory Columbia Gorge Commission has not been effective.

No. 2, I believe standards in the bill must be clear and firm. "Adversely impair" is clearer and stronger than "substantially impair" and I urge this change in wording. I would also urge prohibition of surface mining and hydroelectric projects in special management areas (SMA), a nine member vote to override a Secretarial veto, a strong and clear plan for interim protection, and a longer period (possibly indefinitely) for land acquisition in SMA's. Neither the Forest Service nor the landowner should be rushed in the land acquistion process. I believe it should be a gradual non-disruptive process with funding over an extended period.

It is of paramount importance after all these years of effort and the concern of so many that this legislation be strong enough to accomplish the purpose for which it is intended--lasting protection of this unique resource.

We have spent billions of dollars of federal money, effort and involvement in the Gorge for exploitation of resources. Spending a relatively small amount to protect some of what is left would help balance the score. We owe it to the Gorge, ourselves and future generations.

American Association of University Women
Oregon Division

Betty Foxley, President
794 Foxley Road
Hood River, Oregon 97031

June 13, 1986

Senator Dan Evans
U.S. Senate
Washington D.C.

Re: Senate Bill 2055

Dear Senator Evans:

The Oregon Division of the American Association of University Women (AAUW), represents 3600 women throughout the state of Oregon. A large number of these women live in the Columbia Gorge. At the state convention of AAUW in April of 1984 the following resolution was ratified and at the convention in April of 1986, it was re-ratified:

WHEREAS, the Columbia River Gorge is one of our nation's outstanding ecological regions; and

WHEREAS, population and industrial development pressures are threatening the natural beauty of this unique area: and

WHEREAS, it is imperative that the many interests and jurisdictions both within and outside of the Columbia River join together to identify ways to preserve this national treasure; now, threfore be it,

RESOLVED: That the Oregon Division of the American Association of University Women support the establishment of a National Scenic Area for preservation of the Columbia River Gorge environment, and

BE IT FURTHER RESOLVED: That the Oregon Division AAUW actively support legislation establishing a National Scenic Area for the preservation of the Columbia River Gorge environment.

We therefore support Senate Bill 2055 with amendments that will require mandatory enforcement and appropriate funding for implementation.

Sincerely,

Betty Foxley

Betty Foxley, President
Oregon Division AAUW

The Oregonian

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SUNDAY, JUNE 15, 1986

Make haste on gorge

The legislation sponsored by Reps. Les AuCoin, D-Ore., and Don Bonker, D-Wash., is not the best of all possible bills to protect the Columbia River Gorge. But it is the best of all probable ones.

For that reason, Oregonians and Washingtonians concerned about preservation of the gorge should urge all members of the region's congressional delegation to unite behind the AuCoin-Bonker bill as hearings on gorge legislation open this week in both House and Senate committees.

Three bills are still kicking around, though the one The Oregonian prefers, Sen. Bob Packwood's original 1982 bill entrusting the gorge to federal stewardship, is being maintained on life support by Reps. Jim Weaver, D-Ore., and Mike Lowry, D-Wash., after environmentalists and Packwood himself abandoned it as politically unattainable.

Of the two bills still in the competition, AuCoin-Bonker is far preferable to the Senate bill sponsored by Dan Evans, R-Wash. Though Evans can claim credit for the joint federal-state-local management arrangement upon which AuCoin and Bonker build, his proposal would give too much control to local governments and not enough to the federal government.

The problem with the Evans bill is that it would give the U.S. Forest Service only an advisory role to the bistate commission that would develop the managment plan for the gorge. The bistate commission, in turn, would have no mandatory enforcement authority over the counties within the gorge.

If the gorge is to be assured the national protection it merits as a national scenic area, its managment must be buffered from local political pressures. The Forest Service must have effective veto power over the actions of the bistate commission as a check against pressures from local developers. And to make the management plan work, the commission must have the authority to force the six county governments along the gorge to comply with its plan. The AuCoin-Bonker bill does both.

It, too, however, needs strengthening before the Northwest congressional delegation can claim an effective insurance policy for the gorge.

Most critically needed is an interim management plan for the gorge — which the bill does not now include — while the permanent management plan is being developed. Without immediate controls on development, the danger is that by the time the commission finishes the lengthy process of deciding the future of the lands under its stewardship, their fate will have been decided on the ground by developers eager to get in under the regulatory wire.

Still, the AuCoin-Bonker bill is the last best hope for the gorge. It is urgent that Congress act this year. As the Gramm-Rudman budgetary stranglehold tightens in the future, it threatens to choke off the millions of dollars needed for the federal acquisition of environmentally sensitive areas in the gorge — the "special management areas" that will be under the direct control of the Forest Service — and for low-interest economic development loans for communities within the gorge.

A management plan without the money to make it happen would be like the gorge without the Columbia River.

From Columbia Gorge Newsletter

Statement of purpose by Columbia Gorge United

Gorge Notes March 1983

NEW GORGE GROUP TO SPEAK

(Gorge Commission newsletter)

Genevieve Garwood, Executive Director of Columbia Gorge United, will make a presentation before the Gorge Commissions at their March 2 meeting in Stevenson.

The Stevenson-based citizens group has adopted the following statement of purpose, according to a January 1983 newsletter:

1. To establish a central organization for protecting the people of the Gorge from federal control;
2. To coordinate a united effort;
3. To produce a solid lobbying effort;
4. To organize a state and federal movement;
5. To educate the public about the Gorge and how the issue affects them; and
6. To allow the citizens of the Gorge to decide what is best for them.

Protection of the Gorge is not on their agenda

Oregonian

SDAY, AUGUST 17, 1983

Gorge panels urge moratorium on development

By JEANIE SENIOR
Correspondent, The Oregonian

STEVENSON, Wash. — The Skamania County Commission should put into place a moratorium on all development in unincorporated areas of the county until a zoning ordinance is adopted there, the Oregon and Washington Columbia River Gorge commissions said Tuesday.

In a discussion sharply critical of the county's land-use controls — or lack thereof — gorge commissioners told their executive director, Jeffrey Breckel, to deliver the strongly worded recommendation in person to county commissioners.

Gorge commissioners unanimously voted for the moratorium after a discussion of George Rizor's 21-lot Columbia Gorge Riverfront Estates, across the river from Multnomah Falls. But they also directed that the recommendation be attached to their comments on two other proposed subdivisions in the county, the 78-unit Columbia Harbor development at Skamania and the six-unit Constant Oak subdivision on Underwood Mountain at the east end of the county.

Initially, commissioners discussed asking the county to "consider" putting the moratorium in place.

But Joan Smith, an Oregon gorge commissioner, objected. "They can spend the next decade considering," she said. "What we are seeing is de facto by default zoning of this county."

County commissioners, Smith said, should realize that "they are giving away the county without any regard with what will come in the future."

Smith added, "Our worst fears of 1980 are coming true, just as we predicted."

Testifying before the Skamania County Planning Commission last week, Breckel called Rizor's environmental impact statement incomplete and also criticized the development's preliminary plat and protective covenants. None of the gorge commissions' concerns were adopted, however, when the planning commission recommended approval of the development to the county commission.

"How can they possibly pretend they are going to ask us for our input and then totally ignore everything we ask them to do?" Oregon Gorge Commissioner Nani Warren said.

Dick Adlard and Clarence Irwin, both Washington gorge commissioners, noted that although the county's planning commission chairman had asked that priority staff time be directed toward work on the county's yet-to-be-completed zoning ordinance, county planner Robert Lee had said that was impossible because of the pressures of land developers.

"We need the numbers here to say we want to get that zoning done and table the subdivisions," said Lois Jemtegard, a planning commissioner who was present at the gorge meeting.

Discussing the proposed Constant Oak subdivision at Underwood, commissioners pointed to a major flaw in the county's comprehensive plan. "I can't think of a single exception except maybe a roller coaster that isn't listed here," said Warren, scanning the list of permitted uses in a rural one area. "Is there anybody who can tell me what wouldn't be allowed in R-1?"

"A slaughterhouse?" suggested Washington Commissioner Enid Crawford. R-1 is a rural residential zone.

"Nope," Warren said, pointing to the "industry (light-heavy)" entry.

Smith said that although one small six-unit development might not by itself make considerable impact, placement of a group of half-acre lots in an area that now is predominantly in 3- to 5-acre parcels quickly could lead to further development "until you have the equivalent of Beaverton density in a very, ve[illegible]cal place in the gorge."

"In five years, my gosh, what's [illegible] happen in this gorge?" Irwin said.

"It's going. We're going to be the generation that lost," Adlard replied.

4

June 9th, 1986

Jeff Hunter
2114 Avalon Way
Hood River, Ore.
386-5779 eve.
386-5555 days

Jerry Routson,
Members of Senate Committee on Gorge Legislation
C/O Hood River County Court House
Hood R., Or.

I've kept quiet on this issue of national legislation for the Gorge for the past few years as intensity regarding it has grown and grown. And I was reminded 'why' just last week when I stopped in tb a Realty office in Bingen to enquire about some listings. I commented about a photo of property with a view of the river. The older gentleman became red with anger and ranted about the federal government and wholesale confiscation of private property. He, like many others, have become incensed with this theme. With a growing family to support it has seemed foolhardy for me to 'take on' so... many of my fellow realtors. With Joe Krumback frothing his phony baloney statistics (his latest pole showing 98.6% against government take-over is an excellent example) its been impossible to have even a civilized debate of the specific proposals.

Yet, I travel both sides of the river selling lots, homes and acreages and dealing with county planning departments regarding partitions getting building permits and land-use issues in general. The difference in attention to planning, to consideration for the natural setting and vistas the gorge still offers is quite remarkable. Our Hood River Comprehensive Plan, in particular the Gorge Combining Zone is absolutely great. You deserve thanks for whatever positive part you played in helping that become law. Yet in Skamania and, to a lesser extent Klickitat Counties there are few restraints. They reject even the concept of Urban Growth Boundaries. They cannot be expected to halt development anywhere. They say not being able to partition at will for residential use blunts the Washington economy without realizing an economy that relies on helter-skelter rural parcelization is headed for uneconomic farm and forestry plots while destroying the other main value the land outside the towns offer in uncluttered spaces that keep this unique area different from other areas and certainly, a growing magnet for all sorts of people.

With generous Urban Growth Boundaries, equitable guidelines for screening new homes on alreadly existing lots of record and remodels in the rural areas the area will develop a much stronger economy building on the National recognition this legislation will give us.

It untimately seems strange to me that you apparently and so many other mainly from the washington side on this anti protection bandwagon can become so concerned about this issue of 'confiscation' of the potential right of parcelization and at the same time ignore the sinister Chernoble-like catastrophe or worse that grows just 50 miles up river.

Jeff Hunter

Senator EVANS. They will all be included in the record. Thank you.

Mr. Millard McClung.

STATEMENT OF MILLARD McCLUNG, ASSOCIATE DIRECTOR, OREGON HISTORICAL SOCIETY, PORTLAND, OR

Mr. McCLUNG. Thank you, sir.

My name is Millard McClung. I am the associate director at the Oregon Historical Society. At the invitation of Oregon Governor Victor Atiyeh, I am here today to represent the over 8,000 members of the Oregon Historical Society in speaking of the broad historical significance of the Columbia River Gorge.

Since its inception in 1873, our society has focused its attention on the entire "Old Oregon Country" which encompasses the Pacific Northwest between the early Russian and British possessions, California, and the slopes of the Rocky Mountains. In a discussion of this area, the Columbia River Gorge is preeminent in importance. Indeed, there is no area of the country that surpasses the Columbia River Gorge in historical importance for it has been the immemorial gateway between the interior Great Basin and the Pacific littoral.

As the Columbia River collects its water from distant icefields in British Columbia, mountain lakes of Wyoming, and innumerable streams and rivers along the eastern face of the Cascade Mountain Range in Washington and Oregon, so the Columbia collected a human stream on its way west. Indians came to the great river gorge to fish and to live seasonally. Lewis and Clark, the Astor party, and David Thompson came down its path in 1805/6 to 1811, respectively.

In 1836 Narcissa Whitman came downriver in a canoe driven by Indian paddles, as did other missionaries of the 1830's. Later, from the 1840's on, covered wagon pioneers descended the river on dangerous log rafts and crude scows and other hazardous conveyances. The Columbia River Gorge is crisscrossed with very early roads carved out of the cliffs and now bypassed by the modern transportation corridor at river's edge.

Rails were early laid in the gorge and in the 1880's the railroad on the south bank of the Columbia was completed. By 1916 farsighted men had built the Columbia River Highway, recognized by all construction engineers at the time as one of the most spectacular and advanced roads in the world.

This scenic highway is the only 20th century road listed on the National Register as a historic district. It has also wisely been designated a national engineering landmark. Vista House at Crown Point, Multnomah Falls Lodge, and the Columbia Gorge Hotel in Hood River are on the National Register. Cascade Locks is a national historic site. There are 200 miles of permanent hiking trails established in the luxuriant verdure covering the Oregon side of the gorge. Eagle Creek campground and its famous salmon hatchery was the first Forest Service campground in the country.

Within the gorge are Lewis and Clark campsights, sections of the old Oregon Trail, countless prehistoric Indian structures and sacred places, many Indian pictographs and petroglyphs, and reserved archeological sites awaiting professional attention and analyses. Native Americans continue to net fish from platforms extended out over the Columbia.

The multiple attractions of the Columbia Gorge make it a classroom of living history of the past and our own time fully worthy of preservation for the enjoyment of future generations "not a burden on the memory but an illumination of the soul."

Thank you very much.

Senator EVANS. Thank you.

Mr. Allan Comp.

STATEMENT OF DR. ALLAN COMP, SEATTLE, WA

Dr. COMP. Thank you, Senator Evans.

My name is Allan Comp. I am an historian. I am also one of the few people who can claim to have organized and directed a Columbia River Gorge project that successfully combined the efforts and moneys of Federal, State, local, and private agencies and individuals. That project dealt with the analysis of the rehabilitation possibilities for the Columbia River Scenic Highway, a road first suggested for Washington State and later constructed in Oregon between 1913 and 1920.

This highway was the first paved road in the Northwest, an important link between the interior and the coast, and one of the most spectacular pieces of highway design and engineering ever accomplished. Designed to enhance the natural beauty of the gorge, it was this highway that gave the new democracy of auto travelers their first intimate experience with the Columbia River Gorge.

While the proposed bill merits the appreciation of all who would conserve this place, my own experience in organizing and directing the Columbia River Highway Project and in administering Federal Historic Preservation Offices for the past dozen years, leads me to strongly urge your consideration of two areas of concern within the proposed legislation.

The first concerns the implementation and administration of the national scenic area. Specifically I think that only a Federal agency will be able to withstand the conflicting and intense pressures of the gorge, and even that agency must be required—and I underlined that in my written testimony—to ensure compliance with existing law.

The second concerns the historic integrity of the highway, a site already listed on the National Register of Historic Places, and in my professional judgment eligible for National Historic Landmark status. The highway was designed as a visual experience. That experience is directly dependent upon the design and slope pace of the highway through undeveloped rural lands.

I urge the consideration of Bridal Veil, Dodson-Warrendale, and the Rowena Plateau as special management areas. In fact, at every point where this historic road emerges from a special management area, the road and its viewshed should become a special management area to assure the complete integrity of both the historic road and the common experience of travel on that road that links generations of residents and tourists alike.

It is the scenic highway on the Oregon side and the slightly later and almost equally scenic highway 14 on the Washington side that allow most visitors to really experience the remarkable transect through the Cascade Mountains that is the Columbia Gorge. Clear Federal responsibility and mandated standards for this landscape for the entire gorge and the more immediate highway and its surrounds are essential to the success of the good work your committee has already expended in the present bill, and to the continued opportunity for generations of Americans to enjoy one of this Nation's most remarkable scenic areas.

Thank you.

Senator EVANS. Thank you very much.

Let me ask Mr. Krijanovski, have you examined the legislation sufficiently to feel that you could go ahead and build and operate the kind of resort that you have planned with the law in effect?

Mr. KRIJANOVSKI. Yes, sir. Counsel reviewed most of the plan.

Senator EVANS. So you would feel comfortable with the legislation and your ability to build a major destination resort of that kind?

Mr. KRIJANOVSKI. Absolutely, yes. In fact, it could be even larger than we have anticipated.

Senator EVANS. Do you have any idea at this point, if a project of the kind that you have described, or that was described in the brochure that accompanied your testimony was to be built, what kind of employment that might provide, and how many visitors a year you would hope for, at least?

Mr. KRIJANOVSKI. Yes. We have counted that we would have about 200 jobs available on the site, and we are providing about 300 rooms. It will generate I believe around 60,000 days of business in an all together.

Senator EVANS. Do you feel that you would be better able to do something like that with legislation than if you did not have legislation?

Mr. KRIJANOVSKI. The legislation will put the gorge on the map. It will be known in the whole country. Today I do not think—I mean, if you speak to anybody on the street, they will know it even exists. When I first discovered it back in the early 1970's, I just could not believe there was such a fantastic area that was unknown, at least to me it was, and I have kind of been around, and I was interested in touristic areas. So I think that perhaps would answer that question.

Senator EVANS. That is fascinating. I suspect if we talked outside and asked the people on the street who are from Washington, DC about the Columbia Gorge, they would think you were talking about Rock Creek Park. [Laughter.]

If they even got close.

Mr. KRIJANOVSKI. Right.

Senator EVANS. Ms. Hudson, were you here during some of the testimony earlier today when we did talk about terms, especially the one "adverse impairment"?

Ms. HUDSON. I was not here all the time, Senator. I missed that one.

Senator EVANS. You may have missed it. I think that that term has now been superceded, I suspect. Once we started examining it, it looked like it was not only a redundancy but maybe as we examined it, the description of each word may tend to cancel each other out. So we will have to find something that is different than that.

One thing that you mentioned in your testimony was that the legislation is weaker than that which now governs the present Gorge Commission standards. That was said several times, and I wonder, maybe we could get a little comment from Ms. McCarthy who has served on the commission. That may or may not be the case, but even assuming it is the case there is a vast difference between the legislation and the commission as it now exists, is there not?

Ms. McCarthy. The commission is still advisory, so that is certainly the problem. It is an advisory commission.

Senator Evans. You can have marvelous standards, but if nobody will respond——

Ms. McCarthy. Well, and if you cannot enforce them and have no power of enforcement, they are possibly meaningless.

Senator Evans. I was interested in the historical perspective on the whole gorge, too. That just adds to the interest and the desirability I think of doing something.

We appreciate all of your testimony, and we will move now to panel 18: Barbara Bailey, Jane Ward, Harlen Jones, Alice Peck, and Ron Cronin.

Is Mr. Jones here? Apparently he is not here. All right; we will start with Ms. Bailey.

STATEMENT OF BARBARA BAILEY, ORCHARD VIEW FARMS, INC., THE DALLES, OR

Ms. Bailey. It is pretty obvious that I am pretty pent up to give this testimony, out of order and I came up early. I apologize. [Laughter.]

I want to thank you, Senator Evans, for giving us the opportunity to speak today. I have been waiting for years to come to Washington on behalf of the gorge. I am so happy to be here.

My name is Barbara Bailey. I have been a resident of Wasco County for over 20 years and a taxpayer. My children are the fourth generation to grow up on the farm that I live on. My home and many of the family orchards on both sides of the Columbia Gorge are within the boundaries of the proposed legislation.

Our family corporation welcomes this Federal legislation to preserve and protect the Columbia River Gorge. However, we would prefer some strengthening amendments to be added to the Senate bill.

I would like to talk about living in Wasco County, and then at the same time to express some of my concerns about the legislation. Senate bill 2055 designates that the management plan shall preserve and enhance agricultural land for agricultural activities, but it does not expressly discourage the conversion of agricultural lands as is done in H.R. 4221.

I am concerned about the suggestion that the management plan may allow the conversion of agricultural land to other uses. Agricultural and other practices such as residential development many times do not interface compatibly with agriculture. When you think about farming, I mean we have odor, we have noise, we have flies, we have spray, all these things. They really do not go well next to a recreational, or intense human use situation.

The management plan needs strong language that will ensure that prime agricultural land remain in agricultural use. Leapfrogging of other uses into the heart of our agricultural base must be avoided. I feel that responsible farming complements the natural amenities of the Columbia River Gorge.

Judge Hulse from our county who testified earlier also echos this concern about prime agricultural land. As a past member of the Wasco County Planning Commission, I observed that subjective ambiguous wording invariably led to controversy. Enough has been said about the substantial impairment as being ambiguous that I would like to just apply this to a situation in our county.

In a town of approximately 10,000 and a port district of I am guessing at 15,000 people, we voted last year to tax ourselves $4 million to put in new port facilities. I have heard this echoed throughout the day that in Clark County and Skamania County, and by both Governors, that this impending legislation is a cloud over our communities, that prospective manufacturing plants are afraid to come in because they do not know what to expect.

Senator Evans, I am looking to you for leadership to clear up this atmosphere and to give us confidence and certainty about what we have to offer.

I am going to not mention much about my third point about living in Wasco County. I am proud of my county. I remember a number of years ago when we saw this Federal situation coming up, we thought we are going to take care of ourselves, and so through the planning office we developed this Gorge overlay.

The planning commission overwhelmingly passed it, but within a year was reversing itself with only one person supporting the total overlay. I have enclosed copies of the minutes of that hearing. Luckily the county commission overrode the planning commission in this case, but my point is that every time there is an election—we only have three commissioners—every time there is an election, the aesthetics of the Gorge are once again up for grabs. I believe the Gorge deserves better than this.

I want you to know that I thoroughly support 2055 with any strengthening amendments that you would come up with.

[The prepared statement of Ms. Bailey follows:]

Orchard View Farms, Inc.

4055 Skyline Road
The Dalles, Oregon 97058
503-298-4496

Testimony of Barbara Bailey
June 19, 1986
Senate Energy and Natural Resources Committee
Public Lands and Reserved Water Subcommittee

My name is Barbara Bailey. I have been a resident of Wasco County for over twenty years. My home and many of the family orchards on both sides of the Columbia Gorge are within the boundaries of the proposed NSA. Our family corporation welcomes federal legislation to preserve and protect the Columbia River Gorge and would prefer strengthening amendments be added to the Senate bill.

I want to briefly address three areas of concern:

A. The effect of impending legislation on agricultural activities;
B. Ambiguous legislation; and
C. A case of local control.

S. 2055 designates that the management plan shall preserve and enhance agricultural land for agricultural activities, but does not expressly discourage the conversion of agricultural lands as is done in H.R. 4221. I am concerned about the suggestion that the management plan may allow conversion of agricultural land to other uses. Agricultural and other practices, such as residential development, many times do not interface compatibly; the very nature of agriculture can include odor, spray, affluent, noise. The management plan needs strong language that will insure that prime agricultural land remain in agricultural use. Leapfrogging of other uses into the heart of the agricultural base must be avoided. Responsible farming compliments the natural amenities of the Columbia River Gorge.

As a past member of the Wasco County Planning Commission, I observed that subjective, ambiguous wording invariably led to controversy. From S. 2055 I feel that the standard of "substantial" impairment is very ambiguous. I greatly prefer the standard of "adverse" impairment, which is less ambiguous and more protective. The Dalles very much wants to attract clean industry to our new port facilities. But who wants to locate in a community where the development standards are so subjective? The language in the NSA must be clear and objective in order to minimize community polarization.

Sweet Cherries, Apples, Apricots, Pears

Third, I will discuss local control in Wasco County. Several years ago in an attempt to locally recognize and protect the Gorge as a resource, a Columbia River Gorge Overlay was passed by the planning commission and the county commissioners. Later, the county cleaned up ambiguous language so the overlay was not open to varying interpretation. However, wtihin a year the planning commission backed off its original position. Local pressure was brought to bear, and the protective overlay was lifted from a specific area. (Minutes are attached) Fortunately, the county commissioners voted to keep the overlay in place, overriding the planning commission. There are only three commissioners - and with every election the aesthetics of the magnificent Gorge are exposed to a new round of politics. I believe the Gorge deserves better.

WASCO COUNTY PLANNING COMMISSION
Regular Meeting
March 3, 1986
Wasco County Courthouse, Circuit Courtroom

The regular meeting of the Wasco County Planning Commission was called to order by Chairman Pat Davis at 7:00 P.M. in the Wasco County Courthouse, Circuit Courtroom.

ROLL CALL:

Members in attendance in addition to Chairman Davis were: Ernest Keller, Joe Sullivan, John Kerege, Bill Reeves and Maureen Mack. Member absent was Irl Davis. County staff present were: Dan Durow, Director of Planning; Jim Johnson, Associate Planner; and Chuck Thistlethwaite, Planner I.

MINUTES:

There being no additions or corrections to the minutes of the January 6, 1986 meeting Bill Reeves made a motion that they be approved as circulated. Joe Sullivan seconded the motion with voting unanimous to approve.

REPORTS:

Mr. Durow remarked that the Planning Commission, at the January 6, 1986 meeting, requested the Planning staff to put together a report for all land use actions for the past five years. Mr. Durow went on to say that the planning staff is also putting together a monthly land use report.

Mr. Jim Johnson went through the land use reports for January and February with the Planning Commission.

Chairman Davis asked Mr. Johnson what constitutes a land use complaint, to which Mr. Johnson remarked that many times it is just a telephone call. He went on to say that the staff now is filling out a newly created complaint card. Most complaints received are ananymous.

At the request of Bill Reeves, Mr. Johnson explained the administrative action process.

Mr. Reeves questioned what criteria was used in determining which actions went to the Planning Commission and which actions were done administratively, to which Mr. Johnson remarked that there is no set criteria but in reviewing the comments that are received the Planning Director determines whether it needs to be sent to the Planning Commission.

Mr. Durow remarked that he did not feel that he had come across a request yet that he felt was complicated enough or there was enough substance in the objections or comments that it really needed to come to the Planning Commission.

Mr. Reeves remarked that he just wanted to know how the new system was working, to which Mr. Durow stated that he felt that it was working very well and it has saved the applicants a great amount of time. Mr. Durow went on to say that one of the complaints that the Planning Office has received is that people would have to travel half way across the county for an application that was routine and sure of approval.

PUBLIC HEARING: LEGISLATIVE - ROWENA SPECIAL STUDY AREA:

At the request of Chairman Davis, Mr. Durow and Mr. Thistlethwaite summarized the staff report which is hereby referenced and made a part of these minutes. There were no correction to the staff report.

Mr. Durow remarked that there be no legislative re-zone from residential to commercial to the property in this area so not to create an unnecessary tax burden to the property owners. Mr. Durow went on to say that the possibility is still exists for those residents to come in with individual zone changes.

Mr. Durow remarked that in the Planning Commission packets were the recommendations from the Western Citizen Advisory Group. He went on to say that the WCAG, in addition to the recommendation for the Rowena Study area, also recommended unanimously to remove or exempt Rowena from the standards of the Gorge overlay district.

Mr. Keller asked what the implications of removing Rowena from the overlay were.

Mr. Durow remarked that the concern of the people are that those standards are so restrictive that people cannot do anything on their property.

Mr. Durow went on to say that the concerns that the staff has is that this overlay district has already been through the process and that a policy has been set by the County Court. He went on to say that the Planning Office will support that policy as well as the recommendation of the ADHOC Citizen Advisory Committee.

Mr. Sullivan wondered if the policy has already been set why the Planning Commission is going over it again.

Chairman Davis remarked that in talking with Will Carey, Land Use Counsel, he felt the County Court directed the Planning Staff to go through this legislative review, That process would allow for input on any subject that would fall into the realm of looking at the Rowena area. Through the planning process someone would be able to address either new or old issues, and the issue of the exemption of the Gorge overlay did come up at the Western Citizen Advisory Group meeting.

Mr. Sullivan remarked that it appeared that the opponents are seeking a change and his question was whether the Commission was empowered to make such a change. Chairman Davis stated that the Commission is empowered to make a recommendation to the County Court. Chairman Davis went on to say that the Commission can from time to time take it upon itself to change policy.

At the request of Mr. Keller, Mr. Durow gave some background regarding why the overlay district was put into place. The County Court wanted more clear and measurable standards than existed and wanted to demonstrate that local governments could protect the scenic values of the gorge without having the federal government do it.

Chairman Davis stated that the Planning Commission would listen to comments on the Rowena area at this point.

Mr. Francis Tindall came forward to speak. Mr. Tindall remarked that he wasn't in favor of the Gorge overlay district.

Mr. Sullivan asked if Mr. Tindall lived in Rowena to which Mr. Tindall stated that he did. Mr. Sullivan then asked why Mr. Tindall felt the Gorge overlay should be removed, to which Mr. Tindall stated that he didn't feel that they should have all those rules. Mr. Tindall pointed out his residence on the map.

In response to questioning, Mr. Thistlethwaite remarked that this property would be one of those that is proposed to be changed to RMH-t. In response to a question, Mr. Thistlethwaite explained what this zone would allow.

Mr. Wayne Jacobson came forward to speak. Mr. Jacobson remarked that Mr. Durow had asked him to speak on his experience with building the first house to fall under these Gorge regulations. Mr. Jacobson stated that he didn't have any have any problems building and complying with the regulations. Mr. Jacobson remarked that his personal opinion was that he felt that the Gorge overlay was good and he did not feel that it would hinder responsible building.

He went on to say that if we do not accept the responsibility of keeping the Gorge looking good then other people will come in and do it for us. Mr. Jacobson remarked that he did not have any major problems with some zoning changes in Rowena to allow windsurfing but he did think that the access is a major problem and should be covered before the windsurfing really develops. Mr. Jacobson went on to say that he felt that the Gorge overlay zone should be kept so that we can govern what is being build and keep it part of the scenic area that we can be proud of.

Mr. Ryan Rooper came forward to speak. Mr. Rooper stated that as a property owner in the Rowena area he felt that the Planning Department has done a commendable job in addressing all of the concerns. Mr. Rooper stated that all of the agencies and property owners/residents concerned must strive to resolve the crossing problems that we have on Rowena River Road. Mr. Rooper remarked that he felt that commercial uses should be allowed, as conditional uses, as proposed. Mr. Rooper also went on to say that he was in favor of the proposed zone changes presented to the Planning Commission.

In response to questioning, Mr. Rooper remarked that he was not familiar with all the rules and restrictions of the overlay zone so he did not feel comfortable with making a recommendation but his personal belief is that we should stay under the Gorge overlay.

Maureen Mack asked what the railroad crossings were like in regard to whether they have lights and gates, to which Mr. Rooper stated that there are no lights or gates.

Maureen Mack asked if it would be the responsibility of the railroad to put up lights and gates for the crossings.

Mr. Durow remarked that we are trying to do is work with all four groups involved to get the problem with the crossings resolved. He went on to say that maybe by combining resources this can be done.

Mr. Thistlethwaite explained that the crossings are deeded crossings and when development occurs people actually have to obtain permission from the railroad to cross the tracts.

Mr. Johnson remarked that for the record there have been two partitions on the north side of the railroad tracts and it has been a real problem for the property owners to get the partition, because before the partition can be approved they have to get an agreement with the railroad to allow the new lot to have access. Mr. Johnson remarked that it took 9 months to get someone from the railroad out there to look at the crossing to see if that lot would be allowed access over the tracts.

In response to questioning Mr. Durow explained that the overlay zone did not affect the uses permitted in the underlying zone.

Mr. Kerege asked if windsurfing were allowed, would that put pressure on the railroad.

Discussion occurred regarding liability concerning the crossings.

Discussion regarding possible solutions to the problem and also funding of these possibilities.

Ms. Bobbie Miller came forward to speak. Ms. Miller stated that the last time they appeared before the Commission they had submitted petitions objecting to the overlay zone and that petition was ignored. Ms. Miller went on to say that the residents of Rowena a year ago had asked the Commission to exclude Rowena from the Gorge Overlay. She also remarked that they want the restriction removed because she feels they are unreal. Ms. Miller voiced her concern about what would happen when the next planner tries to enforce these restrictions. Ms. Miller remarked that she felt that they need to declare Rowena as a Rural Service area because of the pending federal bill.

In response to questioning, Mr. Durow explained that last May when Senator Evans submitted the discussion maps for the Gorge, Rowena was one of the areas that was not exempted. He went on to say that he was never able to understand what the criteria were in not exempting Rowena. Mr. Durow said that at the hearings, he and the County Judge testified that Rowena should be exempted.

Mr. Keller asked Ms. Miller where she differed from what staff was proposing, to which Ms. Miller remarked that the people of Rowena do not want a lot of development in their area but would like to have maybe a filling station with a few grocery supplies and she felt that they should be able to do that.

Maureen Mack remarked that if the underlying zoning were changed, the gorge overlay district would not have any affect on it.

Mr. Durow remarked that in regard to Ms. Miller stating that the petition submitted was ignored, the County Court reviewed the petition and weighed that in making their decision.

Mr. Sullivan asked Ms. Miller what her understanding of the impact of the overlay zone on Rowena was, to which Ms. Miller stated that she felt that it is so cumbersome that a planner would have to be out there everyday to make sure that they were being lived under.

Mr. Kerege asked if the property on the north side of the railroad tracts could be zoned commercial for a service station. Mr. Durow remarked that because Rowena was a rural service center plan designation, a zone change could be permitted on a individual basis.

Mr. Brent Lake, LCDC Field Representative, came forward to speak. Mr. Lake stated that he would first like to mention that the County did notify LCDC that they were planning to do a Comprehensive Plan and zone amendment for the Rowena area. Mr. Lake went on to say that the Comprehensive Plan is not cast in concrete and when changes are needed they can be done and this is a good example. He remarked that this plan gives the property owners of the area more flexibility than the original one. He went on to say that the County has the authority under the plan amendment process to change policy and if they feel that the policy should be changed and the overlay zone should be removed, going through the public hearing process they have that option to do so. Mr. Lake remarked that the Public Utility Commissioner should be involved with the problem of the railroad crossing. Mr. Lake stated that adopting a plan designation and then bringing in zone changes as requested is a good idea. When someone comes in for a zone change they do not have to go through the plan amendment process. LCDC is very much in support of the Gorge overlay zone. Mr. Lake stated that LCDC is in support of the changes that are being submitted to the Commission with the exception of the Gorge overlay zone being removed.

Mr. Jeff Breckel, representative of the Oregon/Washington Gorge Commission, came forward to speak. First Mr. Breckel stated that he would like to commend the County Planning Staff in terms of preparing its recommendations that have gone to the Citizen Advisory Group and then to the Planning Commission. Mr. Breckel remarked that the Gorge Commission is in support of the recommendations of the staff. He said that while he supports the staff's report he cannot support the lifting of the overlay zone. He went on to say that they feel that the overlay zone is essential to protect the scenic and natural qualities of the gorge. Mr. Breckel stated that he has dealt with similar situations in four other gorge counties, and there is still construction going on, and there haven't been any major objections to those standards in any of those counties. He felt that it was important to note that the Gorge overlay standards and the other counties in Oregon apply to everything outside the urban growth boundaries within the statutory boundaries of the Gorge, which is consistent with the policy that is currently stated in the Wasco County Comprehensive Plan. He went on to say that these standards do not prohibit any use that is allowed by the base zone. Mr. Breckel stated that what the standards do is a series of checks and balances to help ensure those uses are compatible with their setting within the Gorge. Mr. Breckel stated that he felt one of the most unique aspects of the Wasco County overlay is that it provides some flexibility and again he would have to urge that the overlay zone be left in place for the Rowena area.

Mr. Breckel remarked, upon questioning, that the Gorge Commission at this time has not made any decision on their recommendation to the Senate staff. He went on to say that the Commission will consider Rowena and that it is a concern that the Commission shares.

Mr. Reeves asked if it would make a difference whether the Planning Commission rules for or against the lifting of the Gorge overlay, to which Mr. Breckel stated that it would be considered in federal legislation.

Chairman Davis asked if there was a provision for adding to the exempted areas.

Mr. Breckel stated that there is a provision that would allow for adjustments to the boundaries of the designated urban areas. He went on to say that those criteria being used for expanding those urban area boundaries are very similar to those that are being utilized by LCDC.

Mr. John Frizzel came forward to speak. Mr. Frizzel stated that he is a firm believer of the democratic process and he felt that if a group of people want something or don't want something then at least their wishes should be listened to and maybe acted upon. Mr. Frizzel remarked that a year ago over 50 percent of the people said that they did not want the Columbia Gorge overlay. Mr. Frizzel stated that it was stated in this meeting that the petition was not ignored, but the request on that petition was. Mr. Frizzel stated that in the Rowena meeting and the meeting of the Western Citizen Advisory group it was unanimous that the Columbia River Gorge overlay exempt Rowena, and with all of this the evidence is quite clear we don't want the overlay. We don't think there is a need for all these regulations. Mr. Frizzel remarked that they do not need 28 standards to comply with because there is already planning and zoning. Mr. Frizzel stated that if he were to build his house right now under these regulations, it would never have been built, and yet if you go down the highway right now you would not even see my house. He went on to say that most of the people that are strongly in favor of the overlay don't live in Rowena. He also remarked that if Rowena were exempted then we will have a better chance of being exempted in the Columbia Gorge bill. Mr. Frizzel remarked that he felt that the Federal government will override any local regulations. Mr. Frizzel stated that he asked respectively for the Planning Commission to reject the overlay zone.

Ms. Janice Staver came forward to speak. Ms. Staver stated that her family have been residents of the Gorge for seven years. Ms. Staver remarked that they watch the windsurfers from their home and they have never sighted a windsurfer in the area proposed for development. She went on to say that she felt that maybe there should be a study done to see how much use there is now. Ms. Staver remarked that she is not opposed to having a park, and all the things that go with that, but she is not in favor of development in the Gorge. She went on to say that she felt that area needs to be preserved. Ms. Staver also remarked that if there is a danger, that the railroad crossing should be improved. Another concern of Ms. Staver was that once commercial development starts it will continue.

Mr. Durow stated that Ms. Staver had also submitted some written testimony which is hereby referenced and made a part of these minutes.

Mr. Durow stated that written testimony was also received from Jim and Loretta Ellett which is hereby referenced and made a part of these minutes.

Mr. Hawksley came forward to speak. Mr. Hawksley stated that the information that has been submitted from the Planning staff is very detailed and wondered if this information could be made available to the public.

Discussion occurred regarding whether the maps could be duplicated and made available to the public.

Mr. Hawksley asked how many of the Commission members have been out to Rowena to look at the property.

Mr. Hawksley had a concern that because the easement went through his property that his property could be condemned.

Mr. Thistlethwaite illustrated on the map the location of the property and where the easement was.

Discussion with Mr. Hawksley and the Commission occurred here regarding his property and the easements.

Mr. Sullivan asked how he felt about the Western Citizen Advisory Groups recommendation to remove the overlay zone, to which Mr. Hawksley remarked that he did not fully comprehend the overlay zone and would have to understand it better before making any comment.

Mr. Hawksley also expressed a concern regarding wells and the availability of water.

In response to questioning, Mr. Durow stated that they were not proposing any zoning that would allow condominiums on the north side of the railroad tracts. Mr. Durow went on to say that even if the zoning would allow that type of use he was doubtful that a subsurface sewage system could be approved.

Chairman Davis closed the hearing to public testimony.

The Planning Commission took a five minute break.

Chairman Davis stated that a motion is in order.

Mr. Joe Sullivan made a motion the Planning Commission accept the recommendation from the Western Citizen Advisory Group and recommend removal of Rowena from the Columbia Gorge overlay zone.

Mr. Ernest Keller seconded the motion.

Chairman Davis asked if there was any discussion regarding the motion.

Mr. Sullivan stated that he would like to acknowledge that out of ten people speaking to the Columbia River Gorge overlay only three have spoken in favor of having it remain in place. Mr. Sullivan went on to say that the Advisory Group indicated a consensus for change. Mr. Sullivan remarked that basically it was his perception that the situation is sufficiently covered as far as future use of the area are concerned, its under the jurisdiction of the County Planning Commission, nothing is going to be built out there without being specifically and individually considered. Mr. Sullivan went on to say that there has been good testimony on both sides but he felt that we were being redundant with three layers of, bureaucratic restrictions when the County Planning Office over the years has demonstrated that it can adequately protect the scenic qualities. Mr. Sullivan stated that was why he spoke in favor of removing this from the overlay zone.

Mr. Bill Reeves asked if a commercial zone were in place in Rowena and a restaurant were proposed on that property would it still have to come before the Planning Commission, to which Mr. Durow stated that if the commercial zone were already in place a restaurant would be a permitted use.

Discussion occurred here regarding what affect the Gorge overlay zone would have on commercial zoning within the rural service district of Rowena.

Mr. Sullivan remarked that he felt that if the overlay zone is lifted it does not confer commercial zoning.

Mr. Durow remarked that he would like to make the point that we are talking about all the underlying zones not just commercial zones.

Mr. Reeves remarked that in a Rural Service Center area it is very easy to justify a commercial zone.

Mr. Durow upon questioning remarked that a commercial zone change within a Rural Service Center could be denied by the Planning Commission.

Mr. Reeves responded by saying that it would take some real heavy justification to deny commercial zoning in a Rural Service Center.

Mr. Durow remarked that it could not be denied based upon the proposed development.

Chairman Davis asked if it could be denied based on the fact that the total community was opposed to it.

Mr. Durow responded by saying that because other commercial zoning would be allowed within the Rural Service Center the decision to deny a commercial zone change would not be solely based upon the desires of the property owners.

Mr. Sullivan remarked that it isn't necessary that a commercial zone would encompass the whole area. He went on to say that if there were a commercial application it might apply only to the area south of the freeway and one block east and west of the intersection with the freeway access road for instance.

In response to Mr. Reeves, Mr. Durow stated that there are no commercial zones in Rowena.

Mr. Reeves questioned what zone the rock drilling and well drilling operations were in, to which Mr. Johnson explained that those two operations are existing non-conforming uses which have a grandfather right to be there.

Mr. Reeves remarked that in effect they are commercial operations.

Mr. Reeves felt that a precedent had already been set and that it would be hard to deny another commercial zone change when there is already commercial uses in the area, to which Mr. Durow stated that the commercial uses that are there are pre-existing non-conforming uses and if someone else were to come in with a zone change to commercial we would have to look at the total impact on the neighborhood.

Chairman Davis read the motion again for the Planning Commission members.

John Kerege asked if staff also took the position to delete Rowena from the Gorge overlay zone, to which Mr. Durow stated that staff's position is that we are supporting the County policy that is already established.

Voting on the motion went as follows: Ernest Keller, Joe Sullivan, John Kerege, Bill Reeves and Pat Davis - YES. Maureen Mack - NO. Irl Davis - ABSENT.

Senator EVANS. Thank you very much.

Ms. Jane Ward.

STATEMENT OF JANE WARD, FIRST VICE PRESIDENT, GARDEN CLUB OF AMERICA, WALLINGFORD, PA

Ms. WARD. My name is Jane Ward, Senator Evans, and I am here in my capacity as first vice president of the Garden Club of America.

The Garden Club of America recognizes the national significance of the Columbia River Gorge and has been involved in furthering legislative protection for the Gorge since 1980. As you heard this morning, the Portland Garden Club, which is a member club, was instrumental in spearheading the drive to have the gorge recognized and protected.

Our organization represents a national community of 15,000 members nationwide committed to improving and protecting the quality of the environment through programs and actions in the fields of conservation and education.

We want to see legislation for the Columbia River Gorge that will work and that will not be overwhelmed by the pressures of local politics. We believe that legislative development standards and enforcement of those standards are the engines that drive the gorge legislation vehicle.

We would urge this committee to strengthen S. 2055 by including legislative standards which are at least as strong as those presently enacted by the local gorge counties and the States' Gorge Commissions.

If I may shorten my testimony at that point, I would like to add a personal observation. As I have listened to the testimony today, I have been so aware of the concern of the people living in the gorge, concern that this legislation is going to change things. As a property owner in the National Seashore Park, Cape Cod National Seashore Park, I was aware that back in 1959 so many friends of ours and we were so concerned about the legislation that was going in on the National Seashore Park.

I think after 25 years of that, living with that legislation and being a part of the park, our property is a part of the park and therefore is restricted, I can honestly say that the majority of the people are so grateful that the legislation was passed 25 years ago. I think many people will feel the same way about the gorge some years from now.

Thank you.

[The prepared statement of Ms. Ward follows:]

THE GARDEN CLUB OF AMERICA
598 MADISON AVENUE NEW YORK N Y 10022
TELEPHONE (212) 753 8287

PRESIDENT
MRS. FRANK M. DONAHUE

U.S. SENATE AND NATURAL RESOURCES COMMITTEE
SUBCOMMITTEE ON PUBLIC LANDS, RESERVED WATER AND RESOURCE CONSERVATION

MR. CHAIRMAN, HONORABLE SENATORS, LADIES AND GENTLEMEN,

MY NAME IS JANE WARD. I AM HERE IN MY CAPACITY AS FIRST VICE PRESIDENT OF THE GARDEN CLUB OF AMERICA

THE GARDEN CLUB OF AMERICA RECOGNIZES THE NATIONAL SIGNIFICANCE OF THE COLUMBIA RIVER GORGE AND HAS BEEN INVOLVED IN FURTHERING LEGISLATED PROTECTION FOR THE GORGE SINCE 1980. INDEED, THE PORTLAND GARDEN CLUB, A MEMBER CLUB, WAS INSTRUMENTAL IN SPEARHEADING THE DRIVE TO HAVE THE GORGE RECOGNIZED AND PROTECTED. OUR ORGANIZATION REPRESENTS A NATIONAL COMMUNITY OF 15,000 MEMBERS NATIONWIDE COMMITTED "TO IMPROVE AND PROTECT THE QUALITY OF THE ENVIRONMENT THROUGH PROGRAMS AND ACTION IN THE FIELDS OF CONSERVATION AND EDUCATION," AS STATED IN OUR BY LAWS.

REFLECTING OUR NATIONAL MEMBERSHIP AND PERSPECTIVE, WE WANT TO SEE LEGISLATION FOR THE COLUMBIA RIVER GORGE THAT WILL WORK, THAT WILL NOT BE OVERWHELMED BY THE PRESSURES OF LOCAL POLITICS - LEGISLATION THAT CAN SERVE AS A POSITIVE MODEL FOR PROTECTION OF THESE AREAS OF EXTREME NATIONAL SIGNIFICANCE IN THIS COUNTRY.

WE BELIEVE THAT LEGISLATIVE DEVELOPMENT STANDARDS AND ENFORCEMENT OF THOSE STANDARDS ARE THE ENGINES THAT DRIVE THE GORGE LEGISLATION VEHICLE. THE GARDEN CLUB OF AMERICA FEELS THAT THE STANDARDS MUST BE STRONGLY PROTECTIVE AND UNAMBIGUOUS. FOR THIS REASON, THE GARDEN CLUB OF AMERICA PREFERS THE LEGISLATIVE DEVELOPMENT STANDARDS FOUND IN HR 4221. THEREFORE, WE WOULD URGE THIS COMMITTEE TO STRENGTHEN S 2055 BY INCLUDING LEGISLATIVE STANDARDS WHICH ARE AT LEAST AS STRONG AS THOSE PRESENTLY ENACTED BY THE LOCAL GORGE COUNTIES AND THE STATES' GORGE COMMISSIONS.

WE ALSO BELIEVE THAT ENFORCEMENT OF THESE STANDARDS BY THE REGIONAL COMMISSION SHOULD BE MANDATORY, NOT DISCRETIONARY. THE COLUMBIA RIVER GORGE IS OF NATIONAL SIGNIFICANCE. STRONG STANDARDS ARE ESSENTIAL TO PRESERVE IT FOR OUR CHILDREN AND OUR GRANDCHILDREN.

100% RECYCLED PAPER

Senator Evans. Thank you very much.

Ms. Alice Peck.

STATEMENT OF ALICE PECK, UNDERWOOD, WA

Ms. Peck. Yes. I am from Underwood, WA, which is in this very debatable Skamania County.

I have learned so much here today that my written testimony is not really—probably does not really have anything to do with this bill. [Laughter.]

I am just a housewife. I do not have any legal training. I do have a home in the gorge. I love it. I feel endangered. They talked about all the endangered species today in the gorge if we did not have this utopian Federal control of the gorge.

The only endangered species that I am worried about is the human one that is in the gorge. From what little I have studied and seen of nationally or federally controlled areas, invariably, or almost invariably, land that is privately owned, although it is promised that no one is going to touch it, ends up under control in some way or another—the color of your house, or the tree you plant, or the pet you own, or whatever gets involved.

I feel that although it may be legal, it most certainly is encroaching upon the rights of us as U.S. citizens. So I am very, very concerned about this bill. As you have probably noticed by now, I am not reading what is on my written thing, but at any rate I am frightened about it.

I think that the fact that the Federal Government owns, as far as I have been able to ascertain, something like 36 percent of the land in the United States, which is 1 out of every 3 acres of it, and we have a gross national debt and budget deficit, and that there is not enough money for the Forest Service or the Park Services to properly maintain and develop the land that the Government already owns and controls, it would just be good fiscal responsibility to take care of what they already have and we will take care of the gorge until such time as you can afford us.

Thank you very much.

[The prepared statement of Ms. Peck follows:]

Statement of Alice Peck
to the Public Lands Subcommittee
Senate Energy & Natural Resources Committee
Washington, D.C.
June 17, 1986

re: Senate Bill 2055 (Columbia Gorge National Scenic Area legislation)

Gentlemen:

I'm here today because I'm frightened. This legislation would set a dangerous precedent. Dangerous because my inalienable rights as a citizen and property owner are being threatened.

Dangerous because it shows fiscal irresponsibility and crass indifference by our elected representatives. The cost of this horrendous Federal boondoggle is, so far, a moot question. Our representatives are so busy playing political games that no type of economic impact study has been instigated or implemented. Aside from the cost of lost homes and jobs of the residents of the Gorge, there will be enormous cost to the government to purchase, maintain and change the use of the thousands of acres nvolved.

This legislation should be summarily dismissed. If you are not willing to do that, an economic impact study is imperative. In fact, we demand it.

I'm scared because the wishes of an overwhelming majority of the humans in this Gorge are being ignored. This ludicrous example of "Federal overkill" because afew people west of us want our property for a playground, is alarming to say the least.

I'm scared because the almost 42,000 of us have no voice in our own destinies. If it is legal and feasible to do this in the Columbia River Gorge, our government should also make a lovely national park and recreational area for the overcrowded areas on our Northeastern seaboard.

Since Manhattan Island is being overdeveloped and its natural scenic areas and flora and fauna are endangered, I propose a Bill to set aside, purchase, and/or acquire Manhattan Island for a National Park. Our "Great White Father" with hisunlimited fiscal deficit could restore Manhattan Island into an oasis of tranquility for the under-privileged people in the Northeast. It would be easily accessible to them, and the displaced residents and businesses couldn't possibly be financially and emotionally affected any more than we whose heritage is in the Columbia Gorge.

Yes, I'm being facetious. But why are we being put on the "endangered species" list? Is it because there are so few of us in comparison that we don't count?

Think about it--how much it will cost in human lives and in Federal dollars. What a waste.

Alice Peck
Star Route, Box 119-C
Underwood, Washington

Senator **Evans**. Thank you.

Now the man I have been looking for ever since this morning, Mr. Ron Cronin who is batting cleanup.

STATEMENT OF RONALD J. CRONIN, PORTLAND, OR

Mr. **Cronin**. Thank you very much, Senator. I realize you say this because I am the last speaker.

Senator **Evans**. Yes. [Laughter.]

Mr. **Cronin**. I am a fourth-generation Oregon Trail pioneer family and I have ties to the land which are both emotional and spiritual, which may be hard for some people to understand.

My occupation as a nature photographer is the result of my relationship to the land, and not vice versa. I work at my occupation every day of the year, and I spend at least 3 days a week in the gorge. I favor the strongest legislation possible for all the reasons which have been voiced by those who have gone before me.

A lot has been said today about the beauty of the gorge and the rare species there and its history, and I feel the beauty of the gorge speaks for itself. That is my purpose for publishing my calendar, which I have included a copy of for each member of your committee, but perhaps I can add a somewhat wider perspective to people's appreciation of the gorge.

Because of the somewhat privileged position of being able to travel around the West in search of nature's beauty I have been able to visit the best places in the West—the Olympics, Mount Rainier, the Grand Canyon, Death Valley, Yosemite, and Point Lobos, just to name a few—and I think not only is the gorge as wonderful as all these places, but in effect it is a combination of them all.

It is a truly global resource. I have spent all these days in the gorge. I have probably made 10,000 photographs of the various scenes and species that inhabit the gorge, and I have this tremendous feeling that I am just scratching the surface. There are so many parts of the gorge I have not been to, I am discovering new places all the time, especially on the Washington side where there are fewer parks and more areas sort of left for grabs. There are some really fantastic things there.

I realize that I am just beginning. I have been talking to a lot of people. I do slide shows around the country, and I have just recently done one on the Columbia Gorge. There is a tremendous interest of people from all around the country and all around the world. It should be fairly obvious that the real economic future of the people in the Gorge is that of tourism. It is going to attract millions and millions of people every year, and the opportunity to develop the cities in the gorge with really nice and sophisticated urban amenities will only increase their ability to make a good living from it.

It is really tempting as a photographer to want to travel all around the world and photograph absolutely everything there, the Anarctica, the Alps, Africa, and all these things. I really feel quite satisfied in spending the rest of my life working only in the Northwest. When it gets down to it, photographing the Columbia Gorge is going to be a lifetime job for me, because I think it will take me that long to photograph everything.

One of the things about the gorge that is so amazing is that there is such a variety of experience for nature lovers to acquire. There are tremendous vistas and sublime small areas with wildflowers, and dripping rock faces, hidden waterfalls that if you work hard enough to you can get there, and not see another soul all day even on the busiest holidays. People need this sort of thing. The pressures of modern society increase our need to touch nature and have nature touch us.

I would quote Henry David Thoreau from Walden where he said, "We need the tonic of wildness * * * we can never get enough of nature."

I think this is an opportunity for us to follow in an American tradition of conservation and go down in history among those who have reserved the type of place for all eternity that makes our wildlands in the United States world famous. Thank you very much.

[The prepared statement of Mr. Cronin follows:]

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Testimony of Ronald J. Cronin before the Senate Committee on Energy and Natural Resources, Public Lands and Reserved Water Subcommittee, June 17, 1986

"Over all, rocks, wood, and water, brooded the spirit of repose, and the silent energy of nature stirred the soul to its inmost depths."

Thomas Cole (1801-1848)
Essay on American Scenery (1835)

76 Northeast Dekum Street Portland, Oregon 97211 (503) 289-0561

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Over the span of the last eighteen years, I have worked to record the heroic proportions and intimate niches of the American Landscape. The integrity of this aesthetic heritage is central to my professional commitment as a landscape photographer. My work for various national publications and on film crews for national educational television has given me a priveledged perspective on the Columbia River Gorge as a major scenic asset. Work on various projects has taken me to the Grand Canyon, Death Valley, Yosemite, Yellowstone and many other fabled areas. Compared to these, the Columbia Gorge is by all standards the equal in grandeur and natural wonder.

If you will, in your imagination, combine the best parts of all these areas; the rocky cliffs, deep forests, towering waterfalls, huge rivers, flower-filled meadows, cool canyons and all the best things in nature that people travel so far to see, you would have a phenomenon much like the Columbia River Gorge. Its location and topography give it an almost-infinite variety of environments, and it offers more for the nature lover than perhaps any area on Earth.

Its environments range from rain forest to desert, from estuary riparian to alpine, with every possible combination in between. On almost every turn of the trail, one's experience ranges from hidden, mossy rockfaces, misty waterfalls and towering forests to the awesome spectacle of a huge river cutting through the lofty basaltic cliffs. I can think of no other place where such a variety of experiences can be enjoyed. There is an amazing variety of plants and animals in these varied environments, many of them rare and endangered due to the scarcity of their specific environments. Quite a few of these rare species live only in The Gorge. Many are further threatened by the destructive drive to dredge wetlands, blast away the cliffs and rip out the trees.

The Columbia and its tributaries were once the most bountiful fisheries resource on the Continent. Dams and logging have reduced the once-great salmon runs to near-extinction, and drastic measures are required to preserve them. Power ratepayers in the Northwest have authorized the spending of between 700 million and 1 billion dollars to protect, mitigate and enhance the fisheries environment in the Columbia system. Most of the developments planned for the Gorge and tributaries will undercut this huge investment already made by local ratepayers, as well as destroy the livelihood of tribal and commercial fishermen whose traditional occupation would cease to exist.

As a member of the Oregon Historical Society and the Portland Art Association, I have grave concerns for the archeological sites remaining unprotected in The Gorge. Native American petroglyphs, village sites and other antiquities are exposed to the mindless values of those same individuals whose garbage now lines almost every nook and cranny in The Gorge. Campsites from the Lewis and Clark Expedition and Oregon Trail remnants are also threatened. This is some of the only remaining evidence of the struggle for Westward expansion that is such a vital part of American history. It is an important part of our American Heritage, and certainly more valuable than cheap subdivisions. The beautiful Scenic Highway, once the most famous roadway in the United States, still leads the nature lover through some of the most beautiful areas of The Gorge, but it sadly has become lined with delapidated towns of broken-down shacks, the hulks of cars, run-down trailer parks and piles of garbage.

In spite of these various threats to its integrity, the Columbia Gorge still remains a truly fantastic experience for the traveller and nature lover. It should not take much, in terms of investment, to clean up the eyesores and thereby provide an even better experience for the many people who seek beauty and solace there.

We should consider access to wild landscape, to the peace and healing beauty that humans need for true mental health, a basic human right. We have the moral duty to demand pristine environments be set aside as sanctuaries from the increasing pressures of urban existance. These need to be accessible to all individuals, for the common good and health of our Nation.

> "We need the tonic of wildness...
> we can never have enough of nature."
>
> H.D. Thoreau, Walden

Being one of the most beautiful places on Earth, the Columbia Gorge deserves preservation under the strictest standards. There are many threats to the pristine beauty of its special, hidden places, and its vast, inspirational vistas. These threats are posed by the basest greed. Urban sprawl, surface mining, dredging of wetlands, ruinous clearcuts, garbage dumps and destructive industrialization will ruin this great global resource if we do not do our duty and preserve what is left for the many generations who will follow us. The Gorge is the last great area left to us. Increasing pressure on existing National and State Parks indicates that we have not exercised the foresight to reserve adequate and necessary recreational breathing space for the public. The preservation of those wild areas and parklands for which our country is famous has been viewed through history as heroic deeds by legendary philanthropists. We have the opportunity to follow this great American tradition and preserve what may become one of our outstanding tourist resources.

As a National Scenic Area, the Columbia Gorge will prove to be one of our greatest attractions. Comparing it to other tourist meccas, its superiority becomes obvious. The Grand Canyon is perhaps unmatched for breath-taking vistas for its size alone. However, most of it is unaccessible. The North

Rim is closed in Winter, and there are only a few very challending trails from which hardy hikers may view its many layers of rocks. Rafting the river, while certainly thrilling, is dangerous and expensive, and therefore limited to an elite few. Death Valley is blistering hot in Summer. Yosemite is closest in comparison to The Gorge, but it is drastically overcrowded in the summer months, and largely inaccessible in Winter. The Gorge has none of these drawbacks. Its dramatic views are as awe-inspiring as the Grand Canyon, Yosemite and Bryce Canyon. It is accessible by freeway and scenic highway year-round, and has miles of trails that, even on the busiest holidays, provide the solitude that the wilderness experience is all about. Winter does not shut down the Gorge; the frigid East winds coat the basaltic cliffs with fantastic displays of spray-formed icicles that bring thousands of sightseers on December and January days.

The many towns that line the Columbia could, with wise and sophisticated development, provide the sort of amenities that people associate only with the urban centers such as San Francisco, Seattle, Portland and Los Angeles. The prospect of an inspirational day spent amid the forests and waterfalls, followed by a fine meal in a comfortable inn in a nearby town will bring the class of tourists that create the healthy economies of places such as Sun Valley, Vail and Carmel-By-The-Sea.

It is amazing that local developers have all but ignored tourism, which will bring the long-term income that will ensure success and profits for the future. The rise of Hood River as the capital of wind surfing, and the major impact that has had on the local economy, should serve as a good enough example, for wind surfing is a summer-only sport, and has rejuvenated the Hood River economy. Instead, most have short-sightedly opted for sleazy, quick-and-dirty developments which will both despoil the Gorge's beauty and ecology, and

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eventually fall to the same boom-and-bust syndrome which has created so many ghost towns throughout the West. Subdivisions, trailer parks, small hydroelectric projects and gravel mines are all extremely destructive and doomed to failure. The fierce Winter winds that create the beautiful ice displays will ensure that those who are duped into buying into subdivisions in July will wish they were elsewhere in January. This is probably why there is a tremendous amount of property for sale in the Gorge, but few buyers. One old adage certainly rings true for The Gorge in Winter: "It's a great place to visit, but..." In short, local developers seem to prefer desturctive, short-term and ill-advised projects to wise preservation which would ensure that generations to come will enjoy the beauty of the Gorge and the continued benefits of a well-developed tourist industry. The philosopher Aldo Leopold, in his A Sand County Almanac, sums it up quite well:

> "We abuse land because we regard it as a commodity belonging to us. When we see land as a community to which we belong, we may begin to use it with love and respect."

The Columbia River Gorge should be considered a National Treasure. The combination of the wonderful and inspiring nature experiences which can be had there, and the valuable historic sites, should be preserved in perpetuity as the birthright of every American. Only through the strongest legislation, the highest standards for development, and mandatory enforcement of these standards will the Gorge be truly protected. It is an opportunity for us to do our duty and follow in the American tradition of preservation and conservation that make our parklands an example for the rest of the World. To do less would violate the principles that we have come to know as The American Way.

Senator EVANS. Thank you very much. That is a pretty good note on which to end. I do have a few questions.

Ms. Bailey, you talked about agriculture and the discouragement of other conversions. What if we get into a position which seems likely given the future of agriculture in most parts of the country, and particularly perhaps in the gorge, where people who today are engaged in agriculture simply cannot make it anymore in agriculture and they are faced with a problem. With gorge legislation having passed, if the requirements are so strict that they are essentially required to stay in agriculture and they cannot make a living in agriculture, are they not being literally driven off their land?

Ms. BAILEY. I guess my personal experience is with orchards. That is a very intensive type of farming. If it does not rain in Oregon in the next week, we will be lucky. We will do fine.

I think you are probably talking about wheat, and we do have wheat growers in the gorge area.

Senator EVANS. Or somebody who has a few cattle, or somebody who has hay, or whatever.

Ms. BAILEY. I guess in my testimony if you noticed I mentioned leapfrogging into the heart. I realize that some agricultural land is going to be converted. I just would not like to see a big trailer court come into the center of the orchards, because the people who are staying in the trailer court might not appreciate some of our practices, or the same in a cattle grazing area. It should be on the edge, and do an orderly—there should be some orderly way of converting the land. Does that answer your question?

Senator EVANS. Well, yes, except I do think that the legislation certainly intends that when a plan is put together you would not find that kind of chaotic developments. If there was conversion I would be disappointed, and I think everyone would be, if the conversion was just a helterskelter move into a lot of noncompatible uses.

Ms. BAILEY. I do not know how you can address this, and I do not write bills——

Senator EVANS. I think one of the difficulties we have been struggling with all day is just that. You raised a pretty good point, that it is virtually impossible and probably counterproductive to write every single thing into a piece of legislation that we could hope for. Legislation in my view ought to be written as a set of principles, a set of directions, a set of things you would like to see accomplished. We must recognize that along with legislation at the national level goes a committee report, the colloquies that take place on the floor, the legislative history in other words that is built up which further expands on the precise language that is in legislation.

Of course the next phase would be the development of the regulations which are used to carry out legislation. Ultimately it comes down to people, anyhow. It comes down to people's good intelligence, those who are managing it; people's good vigilance, those who are working over them; and you can pass the strongest piece of legislation in the world, and if people think it is strong enough that they can quit being vigilant, they are crazy. It always requires that.

So it is that combination I think that is going to be at work here.

Let me just end first by thanking so many people for coming here, and so many of you for being hardy enough to stay through most or all of the day and still remain here at 20 minutes to 7. Although for those of you from the west coast, it is only 20 minutes to 4, so you have got an hour and 20 minutes before the day is over anyhow. [Laughter.]

This has been very helpful. I think that there is no question that we have a lot to go over, and a lot to examine. We will take all of this under advisement. I know Senator Packwood, Senator Hatfield, Senator Gorton, and I, and the committee, our own staffs and the committee staff will work hard to try to produce not only the report that will accompany this hearing, but also some decisions as promptly as we can make them on the proposed legislation, decisions as to what to do, and how to do it, and when to do it.

Then "when" is rather urgent. If there is to be legislation of any kind, there is not very much time left in this session of Congress. We unquestionably will be in front of a July recess pretty quickly, and after that there is a one 5-week period, and one 4-week period, and that is it before Congress adjourns. Anything after that of course would have to come up again as part of a brand-new piece of legislation with the beginning of the next Congress.

So the time is short. I did recognize Harriet Burgess when she was up here. I really cannot let this meeting end without also recognizing Nancy Russell, who over the years has been a stalwart constantly working toward a conclusion, and a conclusion that will preserve the gorge.

I just hope that all of those who have these legitimate concerns which have been expressed today, concerns that particularly deal with the need for strengthening legislation, do so with the recognition of the needs and the concerns of the many people who live in the gorge.

Many of them have come here today expressing their concerns, sometimes their fears, over what has happened. These are not bad people; they are good citizens, good citizens who are frightened about what might happen. I think what we have got to do is find a way to, as closely as possible, assimilate those two views with the recognition that there is a uniqueness here that deserves to be recognized and preserved. There are also 40,000 good citizens who need to be reassured, and to be reassured particularly that their lands and their living will not be taken away from them.

I would make just one final admonishment. I think there are some from time to time who feed on those fears, and who carry to people in the gorge some outrageously wrong information about how their property and their lands and their lives might be adversely affected. I have no truck for those who do that. I think they are damaging in the utmost to the very people they are trying to attract, because they are creating fear where fear should not occur, and that is too bad. But there is no way to stop that in a country like this one.

With that, I think we have reached the end of a very important hearing. You are all to be commended for coming. We are delighted to have had you, and this hearing is now adjourned.

[Whereupon, at 6:45 p.m., the hearing was adjourned.]

[Due to the voluminous nature of additional statements and communications received, they have been retained in subcommittee files.]

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